

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71585 of 2022

Arising Out of PS. Case No.-434 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. Sarfaraj @ Sarfaraj Ali S/O Khurshid Ansari @ Khurshed R/O Village-
Indarwa Ebadullah, P.S.- Gopalganj Town, Distt- Gopalganj.
 2. Shahjad @ Sajad Hussain S/O Hadir Hussain @ Hadir Miyan R/O Village-
Indarwa Ebadullah, P.S.- Gopalganj Town, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 9907 of 2023

Arising Out of PS. Case No.-434 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

Md Aley Mohiuddin @ Farhan S/O Md. Suza Bakht R/O Village- Indarwa
Shakir, P.S- Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 71585 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 9907 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER



2 02-05-2023

CRIMINAL MISCELLANEOUS No.71585 of 2022

Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioners are named in the F.I.R. and apprehended their arrest in connection with Gopalganj Town P.S. Case No.434 of 2022 registered for the offences punishable under Sections 147, 148, 149, 302 and 120-B/34 of the Indian Penal Code.

The allegation against the petitioners is to commit murder of the son of informant alongwith other named and unknown co-accused persons blaming him of theft. It is alleged thereof that due to brutal assault by several persons his son died on spot.

Learned counsel appearing on behalf of the petitioners submitted that though as per F.I.R. informant appears to be an eye-witness of the occurrence, nothing incriminating surfaced/recovered against these petitioners during the course of investigation. It is also submitted that several co-accused persons having similar allegations have already been granted anticipatory bail by different learned Co-ordinate Benches of this Court through Cr. Misc. No.59886 of 2022 vide order dated



19.12.2022, Cr. Misc. No.57704 of 2022 vide order dated 14.12.2022, Cr. Misc. No.61481 of 2022 vide order dated 25.02.2023 and Cr. Misc. No.10338 of 2023 vide order dated 27.04.2023. It is also submitted that allegation against these petitioners is very limited to be part of mob only without attributing any specific overt act. While concluding the argument it is submitted that petitioners are man of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the nature of allegations as regard to assault without attributing any specific overt act coupled with the fact that similarly situated co-accused have already been granted anticipatory bail by different learned Co-ordinate Benches of this Court accordingly, the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj/concerned Court below where the case is pending in connection with



Gopalganj Town P.S. Case No.434 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 9907 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is not named in the F.I.R. and apprehended his arrest in connection with Gopalganj Town P.S. Case No.434 of 2022 registered for the offences punishable under Sections 147, 148, 149, 302 and 120-B/34 of the Indian Penal Code.

The allegation against the petitioner is to commit murder of the son of informant alongwith other named and unknown co-accused persons blaming him of theft. It is alleged thereof that due to brutal assault by several persons his son died on spot.

Learned counsel appearing on behalf of the petitioner submitted that as per F.I.R. informant appears to be an eye-witness of the occurrence despite of the fact that petitioner was not named in the F.I.R. It is also submitted that nothing



incriminating surfaced/recovered against this petitioner during the course of investigation and name of this petitioner surfaced only out of protest being an after thought. It is submitted that several co-accused persons having similar allegations have already been granted anticipatory bail by different learned Co-ordinate Benches of this Court through Cr. Misc. No.59886 of 2022 vide order dated 19.12.2022, Cr. Misc. No.57704 of 2022 vide order dated 14.12.2022, Cr. Misc. No.61481 of 2022 vide order dated 25.02.2023 and Cr. Misc. No.10338 of 2023 vide order dated 27.04.2023. It is also submitted that allegation against this petitioner is very limited to be part of mob only without attributing any specific overt act. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the nature of allegations as regard to assault without attributing any specific overt act coupled with the fact that similarly situated co-accused have already been granted anticipatory bail by different learned Co-ordinate Benches of this Court accordingly, the petitioner above named,



in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj/concerned Court below where the case is pending in connection with Gopalganj Town P.S. Case No.434 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

