

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15313 of 2023

Arising Out of PS. Case No.-396 Year-2019 Thana- GOGRI District- Khagaria

Md. Karim S/O Late Rafik R/v- Chhoti Maliya, P.S.- Gogri, District-Khagaria (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gogri P.S. Case No. 396 of 2019, G.R. No. 3414 of 2019 registered on 20.11.2019 for the alleged offences under Sections 147, 148, 341, 323, 354(B), 379, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and a number of other co-accused persons who were variously armed barged into the house of the informant and assaulted the informant along with his sons and other family members causing a number of injuries to them.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case and even the allegation of assault against the petitioner is general and omnibus. No specific overt act has been attributed to the petitioner. For the same occurrence, Gogri PS Case No. 397 of 2019 under Section 307 and other Sections of the IPC has been registered against the informant's side which was lodged by the wife of the petitioner. A number of similarly placed co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 14.10.2020 passed in Cr. Misc. No. 24886 of 2020. The petitioner is in custody since 20.06.2022 and charge-sheet has been submitted. The petitioner has got criminal antecedent of one case in which he is on bail.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to this petitioner and allegations are mostly general and omnibus and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Khagaria/court concerned in connection with Gogri P.S. Case No. 396 of 2019, G.R. No. 3414 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

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

