

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15814 of 2023

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

AFSAR @ AFSAR ALI Son of Haider Ali R/V- Indarwa Abdullah, PS-
Gopalganj, Dist- Gopalganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners apprehend their arrest in connection with Gopalganj (Town) P.S. Case No. 434 of 2022 for the offence registered under Sections 147, 148, 149, 302, 120(B)/34 of the Indian Penal Code lodged on 31.05.2022 by the informant, Saffiullaha Ansari.

The prosecution case, in short, is that on 31.05.2022 informant got up and saw that his villagers accused namely Irfan, Rijwan and Imran and others were assaulting his son by locking in a room and blamed on him of theft. When informant requested them to leave his son, but they did not stop and they dragged and brought him out of the room and tied him with an electric pole and the petitioners as well as nearby villagers almost 20-25 other people came and started assaulting with lathi and Danda, from which deceased got brutally injured and died on the spot.



It has been contended by the learned counsel for the petitioners that the main role of assault is on co-accuseds, namely, Irfan, Rizwan and Imran. So far as these petitioners are concerned, omnibus allegation is there. Further submission is that similar situate co-accused, namely, Ahjad @ Amjad Ali and Dablu @ Aslam Ali have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Misc. No. 57704 of 2022. Last submission is that they do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Taking into account the fact that the petitioners do not have criminal antecedent, the main allegation is against three accused persons, as stated above, and similarly situate co-accused have been extended the privilege of anticipatory bail, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 434 of 2022, subject to condition as laid down



under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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