

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19820 of 2022

Arising Out of PS. Case No.-213 Year-2020 Thana- PRANPUR District- Katihar

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1. MD. NAYEEM SON OF MD. MANSOOR RESIDENT OF VILLAGE-SIRANDA KAJRA TOLA, P.S. PRANPUR, DISTRICT- KATIHAR
 2. MD. SHAKIL SON OF MD. MANSOOR RESIDENT OF VILLAGE-SIRANDA KAJRA TOLA, P.S. PRANPUR, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Pranpur P.S. Case No. 213/2020, registered for the offence punishable under Sections 341/323/324/307/302/504/506/34 of the Indian Penal Code.

The allegation, as per the first information report, is regarding the son of the informant having gone to his relative's place after closing his mobile shop and on the way, he was assaulted by 11 named accused persons including the



petitioners herein by means of farsa, bhala, sticks etc.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 13.1.2022. It is submitted that as far as the petitioner no. 1 is concerned, he is an accused in one other criminal case, but he is on bail in the said criminal case, however, the petitioner no. 2 is having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons including the petitioners herein and the petitioners have not been alleged to have engaged in any specific overt act. It is also submitted that the petitioners have been falsely implicated in the present case on account of previous enmity between the parties. It is also submitted that there is no eye-witness to the alleged occurrence. Lastly, it is submitted that



similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, vide order dated 7.12.2021, passed in Criminal Miscellaneous No. 29073 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that a general and omnibus allegation has been levelled against the petitioners, there is no eye-witness to the alleged occurrence and similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, hence, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on



furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, 1st, Katihar, District-Katihar in connection with Pranpur P.S. Case No. 213 of 2020.

(Mohit Kumar Shah, J)

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