

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21951 of 2023

Arising Out of PS. Case No.-77 Year-2018 Thana- HARSIDHI District- East Champaran

1. Manif Miyan @ Aanif Miyan @ Manif Ansari S/O Israil Miyan R/O Village- Kanchhedwa, P.S- Harsidhi, Distt.- East Champaran.
2. Jokhan Miyan S/O Navdin Miyan R/O Village- Kanchhedwa, P.S- Harsidhi, Distt.- East Champaran.
3. Mahabub Miyan @ Mahbub Alam S/O Navdin Miyan R/O Village- Kanchhedwa, P.S- Harsidhi, Distt.- East Champaran.
4. Munna Miyan @ Munna Ansari S/O Ishrayal Miyan R/O Village- Kanchhedwa, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Srivastava
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, all the accused persons surrounded the informant and started abusing her. In the meantime, petitioner no.1 gave a farsa blow on her head and thereafter Ramjan Miyan dashed her head in ground and further Bachha Miyan assaulted her with lathi and fist and Haseena



Khatoon snatched her chain. It is further alleged that the accused persons also looted a box containing clothes and ornaments from her house and when the members of her family came to stop them, then they tore out the clothes of the informant and also assaulted the members of her family.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners no.2, 3 & 4. He fairly submits that there is specific allegation against the petitioner no.1 to assault the informant by means of Farsa blow and injury was found grievous in nature which is clear from the impugned order itself. He further submits that there is delay of about 13 days in lodging of the present FIR. He further submits that petitioner no.1 has got one criminal antecedent, petitioner no.2 & 3 have got two criminal antecedents and petitioner no.4 has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner no.1 is serious in nature. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case



and there is specific allegation against the petitioner no.1 to assault the informant by means of Farsa blow and injury was found grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail in connection with Harsidhi P.S. Case No. 77/2018. Accordingly, his prayer for anticipatory bail is hereby rejected.

Considering the aforesaid facts and circumstances and the fact that there is general and omnibus allegations levelled against petitioners no.2, 3 & 4, let the petitioners no.2, 3 & 4, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Harsidhi P.S. Case No.77/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this application is party allowed.

(Anjani Kumar Sharan, J)

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