

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25787 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- GORAUL District- Vaishali

MD. MERAJ Son of Md. Ayub @ Late Md. Ayuf @ Mohammad Ayooob R/V-
Kasturi Sarai PS- Patepur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Goraul (Kathara O.P.) P.S. Case No. 365 of 2022 registered for the offence punishable under Section 341, 323, 324, 307, 447, 504, 506/34 of the Indian Penal Code and Section 25(1-b), 27 of the Arms Act.

The accused persons including the petitioner herein are alleged to have arrived at the Kirana shop of the informant on the alleged date and time of occurrence, whereafter they had abused and dragged the informant out of his shop and assaulted him and when they were trying to escape, the co-accused person, namely, Chhotu @ Ashutosh, had fired on the informant, but he escaped from being shot at.



The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and in fact, there is no injury report on record of the case, hence, the petitioner be granted bail.

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, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the accused persons including the petitioner herein and he has not been alleged to have engaged in any sort of specific overt act, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Goraul (Kathara O.P.) P.S. Case No. 365 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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