

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35785 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- GWALPARA District- Madhepura

1. Afgan Alam Son Of Md. Israil R/O-Jhanjhri Lal Tola, P.S.-GWALPARA, Distt.-MADHEPURA
2. Md. Usman Son Of Md. Israil R/O-Jhanjhri Lal Tola, P.S.-GWALPARA, Distt.-MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code later on added U/s 302 of the IPC.

3. All the F.I.R. named accused persons including these petitioners are said to have assaulted the son of the informant causing injury on his head and during course of treatment he succumbed to his injury.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no



specific overt act against the petitioners, there is specific allegation against co-accused, Md. Tantan and Md. Gaffar. He further submits that the petitioners are member of the mob. Similarly situated co-accused have been enlarged on bail by this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 71526 of 2022. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gwalpara P.S. Case No.176 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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