

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31359 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. MD FARUK SON OF LATE SAFID Resident of Village-Patraha, P.S.-Barhara, District-Purnea
2. MD RAJJAK SO OF LATE SAFID Resident of Village-Patraha, P.S.-Barhara, District-Purnea
3. MD KARIM @ MD KARI SON OF LATE SAFID Resident of Village-Patraha, P.S.-Barhara, District-Purnea
4. MD ILIYAS SON OF LATE SAFID Resident of Village-Patraha, P.S.-Barhara, District-Purnea
5. RUSTAM @ MD RUSTAM SO OF MD KAYUM Resident of Village-Patraha, P.S.-Barhara, District-Purnea

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-07-2023 1. By the order dated 16.05.2023 this application with regard to petitioner no.1 was withdrawn by the learned counsel for the petitioners.

2. Now, this application is being heard with regard to petitioner nos.2, 3, 4 & 5 only.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 325, 504 and 506 of the



Indian Penal Code pending in the learned court below.

5. As per the prosecution case, all the accused persons including the petitioners are said to have assaulted the informant and her family members.

6. 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. He submits that there is no specific overt act against the petitioners. He further submits that there is specific overt act against the co-accused, namely, Md. Kayum and Md. Samim who assaulted the husband and brother-in-law of the informant and injury was found grievous in nature. He submits that there is case and counter case between the parties. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

7. Learned APP for the State opposes the prayer for bail.

8. Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioners, let the petitioners, 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 Barhara P.S. Case No.19/2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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