

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31452 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- JAMUI District- Jamui

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1. IRSHAD KHAN Son of Halim Khan Resident of Azad Nagar, P.S. and Distt. - Jamui
 2. Ramjane Son of Kallu Mian Resident of Azad Nagar, P.S. and Distt. - Jamui
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Rabindra Kumar, along with learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

3. The informant alleges that during the construction of market at Jama Masjid, six named accused persons including the petitioners came variously armed with lathi and danda and started obstructing the work, thereafter, it is alleged that when the informant protested, all the accused persons assaulted the informant along with his other family members.

4. Learned counsel for the petitioners submits that petitioner No. 1 has antecedent of one case and petitioner No. 2 has antecedents of four cases.



5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the allegation of assault is general and omnibus in nature, it is next submitted that the informant has also alleged specifically that six named accused persons came carrying lathi and danda, it is further submitted that the informant received injury on head which is said to be grievous but then from the FIR, it cannot be culled out that as to who assaulted him causing grievous injury. It is next submitted that during the course of investigation, the statement of the informant was recorded wherein he has stated that Irshad and Nausahd assaulted him by an iron rod causing injury on head, it is further submitted that though he alleges that Irshad and Naushad assaulted him by an iron rod causing injury on head but then there is only one injury on head, it is also submitted that by way of afterthought, the informant has implicated the petitioner No. 1 though against petitioner No. 2 there is not specific allegation in the restatement also.

6. Learned A.P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the



submission of the learned counsel for the petitioner that in the FIR there is no specific allegation of assault against the petitioners and also the submission of the learned counsel for the petitioners that by way of afterthought, the petitioner No. 1 came to be implicated along with Naushad alleging that they assaulted him by an iron rod on head but then there is only one injury.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 the learned trial court where the case is pending/successor court in connection with Jamui P.S. Case No. 76 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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