

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34097 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- MAINATAND District- West Champaran

1. GUFRAN MIAN Son of Rafi Mian Resident of village - Bastha, Police Station - Mainatand, District - West Champaran
2. Haibat Ali Son of Shekh Dafdar Resident of village - Bastha, Police Station - Mainatand, District - West Champaran
3. Idu Alam Son of Shekh Dafdar Resident of village - Bastha, Police Station - Mainatand, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abu Nasar, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Abu Nasar, learned counsel appearing on behalf of the petitioners, Mr. Abhishek Kumar, learned counsel representing the Informant and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Mainatand (West Champaran) P.S. Case No. 137 of 2022 registered for the offences punishable under Sections 341, 323, 307, 504, 506 of the Indian Penal Code.

3. It is alleged that while co-accused Nawab Ali was smoking, he was scolded by the husband of the informant. Soon thereafter all the accused persons, including the petitioners, reached at the house of the informant, equipped with arms and



started assaulting the husband of the informant by means of Iron rod, due to which he sustained grievous injuries over his head.

4. Learned counsel appearing on behalf of the petitioners while drawing the attention of this Court to the F.I.R. submits that the specific allegation has been levelled against co-accused Nawab Ali and at best the petitioners are said to be the members of the evil group. He next submitted that though the occurrence took place on 08.11.2022, but the F.I.R. has been instituted on 12.11.2022 and no plausible explanation has been given for the same. He next submitted that during the course of treatment, the injured succumbed to the injuries on 24.11.2022 and an application for adding Section 302 of the Indian Penal Code has been submitted before the jurisdictional Court and it has been added very recently. He lastly submits that the petitioners having no criminal antecedent.

5. On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the occurrence took place in furtherance of common intention and the complicity of the petitioners cannot be denied. He next submitted that now Section 302 of the Indian Penal Code has already been added and as such they do not deserve the privilege of anticipatory bail.



6. Learned APP for the State also opposes the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in lodging the F.I.R., coupled with the fair antecedent, let the petitioners, named above, in the event of their arrest or surrender before the learned court below within four weeks from the date of receipt/production of a copy of this order, be released on 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 learned Judicial Magistrate, 1st Class, West Champaran at Bettiah in connection with Mainatand (West Champaran) P.S. Case No. 137 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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