

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36190 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BHAWANIPUR District- Purnia

1. MD. GUFRAN ALAM @ GUFO @ GUFRAN son of Sheikh Kabir R/o-
Haldi Kol Ps- Bhawanipur Dist- Purnea
2. Md. Shahnawaz Alam @ Md. Shahnawaz @ Shahnawaz son of Sheikh
Shamim @ Md. Samim R/o- Jhanakua, Ps- Bhawanipur Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md Fazle Karim, Adv.,
For the Opposite Party/s	:	Mr.Anant Kumar 1, APP
For the Informant	:	Mr.Nadimul Hasan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in a case
registered for the offence punishable u/s 341, 323, 324, 325,
307, 379, 504, 506/34 of the IPC.

3. Allegedly, petitioner no.1 is said to have assaulted
the informant by means of iron rod on the head of the
informant and petitioner no.2 gave punch blow on his eye.

4. It is submitted by learned counsel for the petitioners
that petitioners are quite innocent and have committed no
offence. They have been falsely implicated in this case due to



ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail by submitting that the injury of the injured was found grievous in nature as per the injury report enclosed in the case diary and the said injury is attributable upon the petitioner no.1 who is said to have assaulted the informant by means of iron rod.

6. Having regard to the facts and circumstances of the case, since the injury of the injured was found grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, since there is no specific overt act against the petitioner no.2 to cause any grievous injury, let him, be released on bail, in the event of his 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) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bhawanipur P.S. Case No.28 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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