

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43138 of 2023

Arising Out of PS. Case No.-375 Year-2022 Thana- SIDHWALIYA District- Gopalganj

1. ABDUL GAFAAR S/O LATE IBRAHIM MIYAAN R/O Village- Barhima Mathiya, P.S- Sidhvaliya, Distt.- Gopalganj.
2. Abdul Gabaar S/O Late Ibrahim Miyaan R/O Village- Barhima Mathiya, P.S- Sidhvaliya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Shubhangi Pandey

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2 as he has already been arrested by the police, during pendency of this application.

3. Permission is granted.

4. Accordingly, the instant application as against the petitioner no.2 is dismissed as withdrawn.

5. Now, this application is being heard for consideration of anticipatory bail as against the petitioner no.1 only.

6. Heard learned counsel for the petitioner no.1 and



learned APP for the State.

7. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 379/34 of the Indian Penal Code pending in the learned court below.

8. As per the prosecution case, petitioner along with other co-accused person assaulted the informant and her family members.

9. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is admitted land dispute between the parties. He submits that there is no specific overt act against the petitioner. He further submits that there is case and counter case between the parties. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

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

11. Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioner no.1, let the petitioner no.1, named above, in the event of his arrest/surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Sidhvalia P.S. Case No.375/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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