

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39631 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- BETTIAH CITY District- West
Champaran

1. IRSHAD ALI S/o- LATE FAJLUR RAHMAN Village- Chawani Ps- Bettiah
Town Kalibagh OP Dist- West Champaran
2. Fida Husain @ Md. Fida son of Late Fajlur Rahman Village- Chawani Ps-
Bettiah Town Kalibagh OP Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47048 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- BETTIAH CITY District- West
Champaran

MD. SHAHRUKH @ SHARUKH son of Awe Dullah @ Dullah R/o-
Chhawani Ps- Kalibagh Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39631 of 2023)

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv
For the Opposite Party/s : Mrs. Gulnar Begum, APP
For the Informant : Mrs. Rashmi Jha, Adv
Mr. Abhishek Kumar, Adv

(In CRIMINAL MISCELLANEOUS No. 47048 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv
For the Opposite Party/s : Mr. Atul Chandra, APP
For the Informant : Mrs. Rashmi Jha, Adv
Mr. Abhishek Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 As both these bail applications have cropped up from the

same police station case number, hence, with consent of parties,

they are being heard together and disposed of by this common



order.

2. Heard the parties.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307, 354, 379 and other allied Sections of the Indian Penal Code.

4. Allegedly, the petitioners and other co-accused persons assaulted the informant by means of several weapons and also pelted stones and bricks at her house. It is also alleged that, when the informant's family members came to rescue her, they were also assaulted by the accused persons.

5. 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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties and both sides have sustained injuries. He further submits that the injuries are simple in nature and both sides are agnates. Petitioners have criminal antecedents, which is also mentioned in para-3 of the bail applications.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by



submitting that this is not a fit case for grant of anticipatory bail, as the petitioner no.1 namely, Irshad Ali of Cr. Misc. No.39631 of 2023 has 9 criminal antecedents and other petitioners also have several criminal antecedents.

7. Having regard to the facts and circumstances of the case as well as considering the nature of injury, let the above named petitioners, be released on bail, in the event of their 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) **each** 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 Bettiah Nagar P.S. Case No.77 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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