

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52858 of 2022

Arising Out of PS. Case No.-360 Year-2021 Thana- MANIYARI District- Muzaffarpur

IRFANUR RAHMAN @ MD. HAZI QUAISY @ IRFANUR HAQUE SON
OF ALI MURTUZA R/O VILLAGE - CHAINPUR BANGR, P.S.-
MANIYARI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-01-2023

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 147, 148, 149, 323,
307 and 504 read with section 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and the co-
accused persons, armed with lethal weapons, were celebrating
electoral victory of the co-accused and a procession was taken
out in the village. When the procession reached near the house



of the informant, the accused persons started abusing him. On being objected, the co-accused person Azaharul fired on the informant and thereafter, the other accused persons also started firing on him. It is further alleged that the co-accused persons Azaharul Haque and Mazharul grabbed the informant and Azaharul Haque stabbed him with knife, causing cut injuries on his left hand's palm and left shoulder. Thereafter, all the accused persons assaulted the informant and when the informant's son came to rescue, the co-accused Mazaharul stabbed him with knife in his right leg.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case as he was a member of the mob. There is general and omnibus allegation against the petitioner and no overt act has been alleged against him. The main allegation of stabbing the informant and his son is against the co-accused persons Azaharul and Mazaharul. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances as well as the general and omnibus nature of allegation against the



petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Muzaffarpur in connection with Maniyari P.S. Case No. 360 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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