

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64966 of 2022

Arising Out of PS. Case No.-271 Year-2022 Thana- HARSIDHI District- East Champaran

1. BISMILLAH KHATUN WIFE OF MD. YUNUS SAIFI Resident of Village- Sewaraha, Ward No- 4, P.S.- Harsiddhi, District- East Champaran.
2. MD. YUNUS @ MD. YUNUS SAIFI S/O LATE RAHIM MISTRY Resident of Village- Sewaraha, Ward No- 4, P.S.- Harsiddhi, District- East Champaran.
3. TABASAUM AARA W/O AARIF AHMAD Resident of Village- Sewaraha, Ward No- 4, P.S.- Harsiddhi, District- East Champaran.
4. ARIF AHMED S/O MD. YUNUS @ MD. YUNUS SAIFI @ YUNUS MD. Resident of Village- Sewaraha, Ward No- 4, P.S.- Harsiddhi, District- East Champaran.
5. IRFAN ALAM S/O MD. YUNUS @ MD. YUNUS SAIFI Resident of Village- Sewaraha, Ward No- 4, P.S.- Harsiddhi, District- East Champaran.
6. ISRAFIL ALAM S/O MD. YUNUS @ MD. YUNUS SAIFI Resident of Village- Sewaraha, Ward No- 4, P.S.- Harsiddhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP
For the Informant	:	Mr.Abhishek Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-02-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147/ 149/ 341/ 323/ 325/ 307/ 379/ 354(A)/ 506 IPC and u/s 27 of the Arms Act.



As per the prosecution case, all the F.I.R. named accused persons including the petitioners indiscriminately abused and assaulted the informant's side.

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 land dispute. 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. It is submitted that the injuries sustained by the injured persons are simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail. It is submitted by learned counsel for the informant that one of the injury sustained by the informant was found grievous in nature, which was inflicted by Israfil Alam (petitioner no.6).

Having regard to the facts and circumstances of the case, since the injury inflicted by petitioner no.6 upon the informant is grievous in nature, I am not inclined to enlarge the petitioner no.6 namely Israfil Alam on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

However, since there is general and omnibus allegation



against rest petitioners, let the above named petitioner nos.1 to 5, 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 Harsiddhi P.S. Case No.271 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

