

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64884 of 2023

Arising Out of PS. Case No.-804 Year-2022 Thana- MADHAURAH District- Saran

1. Seraj Khan S/O Manan Khan Resident Of Marhowrah Khas, PS- Marhowrah, Dist- Saran
2. Mumtaz Miya @ Md. Mumtaz Son Of Altaf Miya Resident Of Marhowrah Khas, PS- Marhowrah, Dist- Saran
3. Mustafa Ali Son Of Md. Alim Resident Of Marhowrah Khas, PS- Marhowrah, Dist- Saran
4. Jawed Khan Son Of Mainul Khan Resident Of Marhowrah Khas, PS-- Marhowrah, Dist- Saran
5. Murtaza Ali Son Of Md. Alim Resident Of Marhowrah Khas, PS-- Marhowrah, Dist- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Marhowrah P.S. Case No. 804 of 2022, registered for the offences punishable under Sections 147, 148, 341, 325, 307, 332, 333, 353, 506 of the Indian Penal Code.

3. The allegation against the petitioners is of making obstruction in discharging the official duties of the police



personnel for getting the release of Jitendra Singh @ Batlu and Sonu Kumar from the custody of constables Subodh Kumar Singh and Sujit Kumar. On protest being made by the police, all the accused persons attacked the police party with *lathi*, *danda* and sharp cutting weapons in which two of the constables have sustained serious injuries.

4. Learned counsel appearing on behalf of the petitioners submits that the allegations against all the accused persons are general and omnibus in nature and no specific allegation of any overt act has been levelled against the petitioners. He further submits that co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 35974 of 2023 and its analogous case vide order dated 27.07.2023, the copy of which has been marked as annexure-3. He next submits that so far the injuries sustained to the constables are concerned, all the injuries are simple in nature, except one caused to Constable Subodh Kumar Singh over the palm of his right hand. He lastly submits that the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners



have made obstruction in discharge of the official duties of the police and they do not deserve the privilege of anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fact that the case of the petitioners is based on parity, that apart they are having fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran in connection with Marhowrah P.S. Case No. 804 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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