

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68809 of 2023**

Arising Out of PS. Case No.-179 Year-2020 Thana- PALASI District- Araria

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1. Ekram Son of Late Ranjar Ali R/o vill - Pechaily, P.S. - Palasi, Distt. - Araria
  2. Habib Son of Late Zakir R/o vill - Pechaily, P.S. - Palasi, Distt. - Araria
  3. Md. Mohsin Son of Md. Irshad R/o vill - Pechaily, P.S. - Palasi, Distt. - Araria
  4. Md. Rahil Son of Ekram R/o vill - Pechaily, P.S. - Palasi, Distt. - Araria
  5. Md. Sarfaraz Son of Md. Irshad R/o vill - Pechaily, P.S. - Palasi, Distt. - Araria
  6. Md. Rais Son of Ekram R/o vill - Pechaily, P.S. - Palasi, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Bhanu Roy, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      01-11-2023                      Heard Mr. Uday Bhanu Roy, learned counsel  
appearing on behalf of the petitioners and Mr. Rajendra Prasad  
Nat, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection  
with Palasi P.S. Case No. 179 of 2020, registered for the  
offences punishable under Sections 147, 148, 149, 341, 323,  
307, 379, 504, 302 of the Indian Penal Code.

3. It is alleged that while the informant was running  
his Mill, in the meanwhile, he found that the power went off and  
he saw that co-accused Saukat was coming down from the  
electric pole after cutting the connection. When the informant  
objected, co-accused Saukat started abusing. It is further alleged  
that in the meanwhile other accused persons, including the



petitioners, armed with weapons, came there and assaulted the informant, his brother (Hakim) and nephew (Mushraf) with *lathi* and iron rod due to which the informant sustained serious injuries and later on his brother (Hakim) succumbed to the injuries.

4. It is submitted on behalf of the petitioners that the alleged occurrence took place in the morning of 27.05.2020 and the FIR has been instituted on the next day. Moreover, during the course of post mortem, it has been found that the deceased has sustained only simple injury and, as such, the allegation of brutal assault by all the co-accused persons does not find any corroboration from the post mortem report. He next submitted that the police during investigation has not found any cogent material against the petitioners resulting into submission of final form showing them as innocent. However, differing with the final form, the court below has taken cognizance for the offences as alleged in the FIR. Hence, the present petition seeking anticipatory bail. He further drew the attention of this Court to the order passed by the learned co-ordinate Bench of this Court wherein the other accused persons, having similar allegation, have been allowed the privilege of anticipatory bail in Cr. Misc. No. 41357 of 2021 and its analogous cases vide



order dated 09.05.2022. He lastly submits that the petitioners are men of clean antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that on account of the assault, the deceased succumbed to the injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that after investigation, the petitioners have not been sent up for trial, coupled with the fair antecedent of the petitioners and the post mortem report of the deceased, 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 ACJM-I, Araria in connection with Palasi P.S. Case No. 179 of 2020, 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)**

Anjani/-

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