

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68572 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- PAHARPUR District- East Champaran

1. BHOLA MIAN Son of Khodin Miya R/V- Bawariya, P.S- Paharpur, Dist- East Champaran
2. Gaffar Mian Son of Bothu Miya R/V- Bawariya, P.S- Paharpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 68889 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- PAHARPUR District- East Champaran

1. JALALUDDIN ANSARI SON OF KAMRUDIN MIYAN R/O VILL.- BAWARIYA, P.S.- PAHARPUR, DISTT.- EAST CHAMPARAN
2. ASLAM MIYA SON OF AKHTAR MIYAN R/O VILL.- BAWARIYA, P.S.- PAHARPUR, DISTT.- EAST CHAMPARAN
3. RAJA ALAM @ MD. RAJ SON OF MD. AJMULLAH R/O VILL.- BAWARIYA, P.S.- PAHARPUR, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68572 of 2022)

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Nawal Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 68889 of 2022)

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-01-2023 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.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147,148,149,295,323,153,324,325,427,307,504 and 506 of I.P.C.

As per allegation, all the F.I.R. accused persons and 15-20 unknown persons including these petitioners, being members of unlawful assembly, came and assaulted the informant and her mother-in-law and when the neighbours came to save them, they also assaulted them and they also damaged house hold articles and took away grains, motorcycle, hand-pump, pumping set, ornament etc. There is further allegation that accused persons being members of specific community assaulted members of another community and they deliberately and maliciously insulted the religious beliefs of another community.

The petitioners are quite innocent and have been falsely implicated in this case only on the basis of suspicion and on wrong identification by the Chaukidar. The allegations



levelled against the petitioners is general and omnibus in nature. They have been made accused in this case due to resident of same village and belong to the same community against whom there is allegation of violation.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

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

