

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72191 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

1. CHUNNU @ MD ASHRAF @ MD ASHRAF JAWED Son of Md. Moein @ Md. Moinuddin Resident of Village- Kohna Sarai, P.S.- Laheri, District- Nalanda (Biharsharif)
2. PAPPU @ ZAFAR NIJAMI @ ZAFAR NAJMI Son of Md. Moein @ Md. Moinuddin Resident of Village- Kohna Sarai, P.S.- Laheri, District- Nalanda (Biharsharif)
3. IMTIYAJ @ MD. IMTIYAJ ALI Son of Md. Moein @ Md. Moinuddin Resident of Village- Kohna Sarai, P.S.- Laheri, District- Nalanda (Biharsharif)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Laheri P.S. Case No. 96 of 2021 registered for the offences punishable under Sections 341, 323, 448, 379, 506, 354(A)/34 of the Indian Penal Code. Petitioner no. 1 has got three criminal antecedents and petitioner nos. 2 and 3 have got no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, it is alleged that on 01.03.2021 at about 12:10 P.M. all of a sudden all the F.I.R. named accused persons entered in the house of the informant and brutally assaulted the informant and his wife. On hulla, nearby people



gathered who pacify the matter. It is alleged that the occurrence took place for partition of paternal property.

Learned counsel for the petitioner submits that petitioners have been falsely implicated in this case. Learned counsel submits that there is case and counter case. Both the parties are family members.

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

Having regard to the facts and circumstances of the case wherein both the parties are family members, they have lodged case and counter case, the case of the petitioners' side is Laheri P.S. Case No. 97/2021 registered on the same day and further considering the submission that there are grievous injuries to the side of the petitioners whereas no injury has been caused to the informant's side, let the petitioner nos. 2 and 3 named above, who have got clean antecedent, in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – V, Nalanda, Bihar Sharif in connection with Laheri P.S. Case No. 96 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is



found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 1 is concerned, finding that he has got three criminal antecedents and one of them is under the Arms Act as well as Explosive Substances Act, in the totality of the circumstances, this Court is not inclined to grant privilege of pre-arrest bail to petitioner no. 1.

In case, however, he surrenders immediately in the learned court below and prays for regular bail, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the orders of this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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