

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71526 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- GWALPARA District- Madhepura

1. MD JATTU @ MAJURUDDIN @ MAJIRUDDIN S/O Md. Chand @ Md. Habib R/O Village- Ladih Thadry, Ward No- 12, P.S- Gwalpara, District- Madhepura
2. Md. Ghaffar @ Ghaffar Mohd. S/O Late Nasir @ Nasho R/O Village- Ladih Thadry, Ward No- 12, P.S- Gwalpara, District- Madhepura
3. Md. Ghasir @ Ghasir Mian S/O Late Nasho @ Nasir Miyan R/O Village- Ladih Thadry, Ward No- 12, P.S- Gwalpara, District- Madhepura

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf
For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 & 506/34 of the Indian Penal Code.

All the F.I.R. named accused persons including these petitioners are said to have assaulted the son of the informant causing injury on his head and during course of treatment he succumbed to his injury.

It is submitted by learned counsel for the



petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. It is further submitted that the alleged occurrence is not a pre-planned rather fall out of an exchange of heated argument between the parties and at the spur of the moment without any criminal intent. The allegation levelled against the petitioner nos.1 & 3 is not specific rather general and omnibus in nature. It is also submitted that there is case and counter case between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case as well as the fact that the allegation levelled against petitioner nos.1 & 3 are general and omnibus in nature, let the above named petitioner nos.1 & 3, 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 Gwalpara P.S. Case No. 176 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Considering the facts and circumstances of case as well as the fact that specific overt act has been attributed against petitioner no.2, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

However, if petitioner no.2 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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