

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76221 of 2023

Arising Out of PS. Case No.-380 Year-2023 Thana- JOKIHAT District- Araria

1. Mojammil @ Muzammil Son Of Daud @ Md. Daud Resident Of Village-Kakan, Tola Udntoli, Ward No. 10, P.S.- Jokihat, Dist.- Araria
2. Dayyan @ Md. Dayyan @ Kudrati Naz Son Of Daud @ Md. Daud Resident Of Village- Kakan, Tola Udntoli, Ward No. 10, P.S.- Jokihat, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.
For the Informant	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Jokihat P.S Case No. 380 of 2023 dated 11.08.2023 registered for the offence punishable u/ss 341, 323, 324, 325, 307, 506 read with 34 of the Indian Penal Code.

4. As per the prosecution case, when the husband



and father-in-law of the informant were returning to home from market then the co-accused Jahangir gave a *farse* blow on the head of the husband of the informant as a result he sustained head injury and become unconscious. The accused Ishahaque gave axe blow on the head of the father-in-law of the informant and thereafter all the F.I.R. named accused persons including the petitioners assaulted them.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that from bare perusal of the F.I.R., it appears that the present case has been brought on record against 27 named accused persons including the petitioners. Learned counsel has further submitted that the informant is not eyewitness of the alleged occurrence. It is further submitted that there is no specific allegation against the petitioners rather the specific allegation is against co-accused persons Jahangir who gave farsa blow on the head of the husband of the informant. The specific allegation is also against the co-accused Ishahaque. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.



6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Araria in connection with Jokihat P.S Case No. 380 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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