

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10026 of 2024

Arising Out of PS. Case No.-216 Year-2023 Thana- MIRGANJ District- Gopalganj

1. ARBAJ ALAM @ ARBAZ AHMAD S/O ASGAR ALI R/O VILLAGE- HARPUR TOLA, P.S- BARHARIYA, DISTT.- SIWAN AT PRESENT RESIDING WITH HIS UNCLE (FUFA) NAMELY ANISH ALAM GADI OF VILLAGE- SAWAREJI, P.S- MIRGANJ, DISTT- GOPALGANJ.
2. RIJWAR ALAM @ RIJWAN ALAM S/O JITAN GADI R/O VILLAGE- SAWAREJI, P.S- MIRGANJ, DISTT.- GOPALGANJ.
3. ABRAR ALAM @ IMRAN ALAM S/O JITAN GADI R/O VILLAGE- SAWAREJI, P.S- MIRGANJ, DISTT.- GOPALGANJ.
4. ASHU ALAM S/O JITAN GADI R/O VILLAGE- SAWAREJI, P.S- MIRGANJ, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2 Rijwar Alam @ Rijwan Alam.
3. Permission is accorded.
4. The petitioners apprehend their arrest in connection with Mirganj P.S. Case No.216/2023, registered for the offence punishable under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code.



5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that on a trivial issue, the occurrence is alleged to have taken place, wherein it is alleged that Arbaj Alam (Petitioner no.1) assaulted Imran by rod on head. As far as petitioner no.3 and 4 are concerned, there is no specific allegation of committing any assault against the informant or other persons. It is further submitted that no doubt the allegation against Arbaj Alam is of assaulting the informant by an iron rod causing injury on his head but then the blow was not repeated nor the nature of injury has been discussed in the order impugned. It is further submitted that Arbaj Alam is a young boy aged about 20 years and is a person with clean antecedent and it might be a possibility at this age that petitioner committed the occurrence at the spur of the moment and if he is sent to jail, chances are bright that he may come in contact with hardened criminals which will restrict his future prospects. The learned counsel further submits that the petitioners will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Mirganj P.S. Case No.216/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. Further, one of the bailors of Arbaj Alam @ Arbaz Ahmad (petitioner no.1) shall be his father Asgar Ali.

(Satyavrat Verma, J)

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