

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10104 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- GADHPURA District- Begusarai

1. Mani Lal Dhunia @ Mani Dhunia Son of Md. Akbar @ Md. Akbar Dhunia @ Akbar Dhunia Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
2. Md. Asif @ Md. Ashik @ Md. Moti Son of Md. siraj Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
3. Md. Ali Hussain @ Ali Husain @ Ali Hassan Son of Md. Akbar @ Md. Akbar Dhunia @ Akbar Dhunia Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
4. Md. Ibran @ Md. Ibram Son of Md. Mani Lal Dhunia @ Mani Dhunia Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
5. Md. Shabir Son of Md. Jahir Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
6. Md. Shah Nawaz @ Shah Nawaj Son of Jahir Hussain Dhunia @ Md. Jahir Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
7. Md. Saudagar @ Md. Saudagar Dhunia Son of Md. Jahir Dhunia @ Md. Jahir Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
8. Md. Jahir @ Jahir Hussain Dhunia Son of Md. Akbar @ Md. Akbar Dhunia @ Akbar Dhunia Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai
9. Md. Isamul @ Md. Isamul Pravaj Son of Mani Lal Dhunia @ Mani Dhunia Resident of village-Korai, P.S.-Gadhpura (Garhpura), Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-04-2024 Heard learned counsel for petitioners and State.

2. Nine petitioners apprehend their arrest in a case registered for the offence under Sections 147, 341, 323, 324, 325, 354, 326, 307, 379, 504, 506, 34 of the Indian Penal Code.



3. As per F.I.R., petitioner no. 1 and two other co-accused entered the house of informant and tried to commit rape with her, however; on alarm being raised by informant, other villagers came and these three persons fled away. It is further alleged that thereafter, all the accused/petitioners, variously armed, came again and started assaulting informant and other family members, on account of which, three persons sustained injuries.

4. It is submitted on behalf of petitioners that there is general and omnibus allegation of assault. Injuries sustained by the injured persons, except injury sustained by Raju by petitioner no. 5 (Md. Shabir), have been found to be simple in nature.

5. Learned A.P.P. for the State has opposed the bail petition and submitted that petitioner no. 5 Md. Shabir assaulted Raju with *Farsa* causing grievous injury to him.

6. Considering the grievous nature of injury, caused by petitioner no. 5 Md. Shabir, his prayer for anticipatory bail is rejected.

7. So far as remaining petitioners are concerned, since there is general and omnibus allegation of assault against them and injury caused by them have been found to be simple in



nature, in the event of arrest/surrender within a period of six weeks from today, the petitioner nos. 1, 2, 3, 4, 6, 7, 8 & 9, above-named, are directed to be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Gadhpura (Garhpura) P.S. Case No. 87 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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