

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13989 of 2024

Arising Out of PS. Case No.-840 Year-2023 Thana- SHERGHATI District- Gaya

1. ADDU @ MD. SHAHID S/O SAMUD MIYAN R/O VILLAGE- NEHUTA, P.S- SHERGHAT (DOBHI), DISTT.- GAYA.
2. AFSAR S/O HADIS MIYAN R/O VILLAGE- NEHUTA, PS.- SHERGHATI (DOBHI), DIST.- GAYA.
3. ANAS S/O IDRIS SABIR R/O VILLAGE- NEHUTA, PS.- SHERGHATI (DOBHI), DIST.- GAYA.
4. NOORI MIYAN @ NOOR MOHAMMAD ALAM S/O LATE BASHARAT MIYAN R/O VILLAGE- NEHUTA, PS.- SHERGHATI (DOBHI), DIST.- GAYA.
5. GUDDU @ ASIF RADA S/O NOORI MIYAN @ NOOR MOHAMMAD ALAM R/O VILLAGE- NEHUTA, PS.- SHERGHATI (DOBHI), DIST.- GAYA.
6. USMAN @ MD. AKRAM S/O SABIR @ MD. SABIR KALA R/O VILLAGE- NEHUTA, PS.- SHERGHATI (DOBHI), DIST.- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sherghati (Dobhi) P.S. Case No. 840 of 2023 for the offence under Sections 341, 323, 147, 307, 379, 354 and 506 of the I.P.C. lodged on 30.07.2023 by the informant, Saiesta Parven.

3. As per the prosecution story, the allegation



against the accused persons is of assaulting the informant's side when he was returning from graveyard, upon alarm, when brother-in-law reached, he too was assaulted, infact every family members that reached there, the accused resorted to assault. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that omnibus allegation is against them, most of the injuries are found to be simple in nature save and except the injury on the hand which unfortunately caused fracture, they do not have any antecedent and there is counter version to the case also. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on their own would like to contribute towards the medical assistance of Rs. 3,000/- each (total Rs. 18,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer stating that all of them jointly assaulted the informant's side as also the



family members.

6. Although the theory of assault is there, the same is omnibus in nature, injury save and except on the hand has been found to be simple in nature, none of the petitioners have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 3,000/- each (total Rs. 18,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-1st, Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 840 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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