

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23154 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- GADHPURA District- Begusarai

1. Md. Sabruddin Dhuniya @ Md. Sabruddin @ Sabruddin @ Md. Safuruddin S/o- Md. Kari Dhuniya Resident of Village- Korai, Police Station- Gadhpura, District- Begusarai
2. Md. Kari @ Kari Dhuniya son of Md. Sabdul Dhuniya Resident of Village- Korai, Police Station- Gadhpura, District- Begusarai
3. Md. Soyeb Dhuniya @ Md. Soyeb @ Soyeb Dhunia son of Md. Shahid Dhuniya Resident of Village- Korai, Police Station- Gadhpura, District- Begusarai
4. Raju Dhuniya @ Md. Raju Alam son of Gulam Rasul @ Gulam Dhunia Resident of Village- Korai, Police Station- Gadhpura, District- Begusarai
5. Luto @ Luto Khatoon @ Jamina @ Jalina Khatoon wife of Kari Dhuniya Resident of Village- Korai, Police Station- Gadhpura, District- Begusarai
6. Md. Raja @ Raja Dhuniya son of Md. Natho Dhuniya Resident of Village- Korai, Police Station- Gadhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratik, Advocate
For the State	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Pratik, learned counsel for the petitioners

and Ms. Asha Kumari, learned APP appearing on behalf of the

State.

2. Learned counsel for the petitioners seeks

permission to withdraw this application as against the petitioner

no.2, as he has already been arrested by the police, during

pendency of this application.



3. Permission is accorded.

4. Accordingly, the instant application as against the petitioner no.2 is dismissed as withdrawn.

5. Now, this application is being heard for consideration of anticipatory bail as against the petitioner no.1, 3, 4, 5 & 6 only.

6. Heard learned counsel for the petitioners (except petitioner no.2) and learned Additional Public Prosecutor appearing on behalf of the State.

7. The petitioners are apprehending their arrest in connection with Gadhpura P.S. Case No. 85 of 2023, F.I.R. dated 17.07.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code.

8. According to prosecution case, the petitioners along with other co-accused persons are said to have assaulted the informant and his family members by means of deadly weapons.

9. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that specific allegation of



assault is attributed against the co-accused persons namely Md. Firoz Dhuniya, Md. Jabbar Dhuniya, Md. Sakil Dhunia and Md. Sariful Dhunia and there is no specific allegation of any assault or overt act attributed against these petitioners. He further submits that both the parties are agnates to each other and there is case and counter case between the parties.

10. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

11. Considering the aforesaid facts, the petitioner having clean antecedents and there is no specific allegation of any assault or overt act against these petitioners, let the petitioners (except petitioner no.2), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 the learned Chief Judicial Magistrate, Begusarai, in connection with Gadhpura P.S. Case No. 85 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

ajay/-

U		T	
---	--	---	--

