

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24561 of 2024

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

1. Jahana Khatoon C/o Md. Feroz Dhuniya Resident of Village Koray, Police Station Gadhpura, District Begusarai
2. Sabana Khatoon W/o Md. Saheb Dhuniya Resident of Village Koray, Police Station Gadhpura, District Begusarai
3. Md. Feroz Dhuniya @ Md. Feroz S/o Md. Shahid Dhuniya Resident of Village Koray, Police Station Gadhpura, District Begusarai
4. Md. Wokil @ Wokil Dhuniya S/o Kari Dhuniya Resident of Village Koray, 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 : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no.4, namely, Md. Wokil@ Wokil Dhuniya, as he has already been arrested, during pendency of this application.

2. Permission is accorded.

3. Accordingly, the instant application is dismissed as withdrawn with respect to petitioner no.4, namely, Md. Wokil@ Wokil Dhuniya,

4. Learned counsel for the petitioner further seeks permission to withdraw this application with regard to petitioner



no.3, namely, Md. Feroz Dhuniya @ Md. Feroz.

5. Permission is accorded.

6. Accordingly, the present anticipatory bail application is dismissed as withdrawn with regard to petitioner no.3 namely, Md. Feroz Dhuniya @ Md. Feroz.

7. Heard Mr. Pratik, learned counsel for petitioner Nos. 1 and 2 and Mr. Mohammad Sufyan, learned APP appearing on behalf of the State.

8. 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.

9. 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.

10. 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 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.

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

12. 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 petitioner nos.1 & 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)

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