

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24420 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- GADHPURA District- Begusarai

1. Md. Wakil @ Wakil Dhuniya, aged about 32 years, Male Son Of Kari Dhuniya, Resident Of Village- Korai, Police Station -Gadhpura, District- Begusarai
2. Md. Feroz @ Md. Feroz Dhuniya, aged about 29 years, Male Son Of Sahid Dhuniya @ Saiyad Dhuniya Resident Of Village- Korai, Police Station -Gadhpura, District- Begusarai
3. Luto Khatoon @ Jalina Khatoon, aged about 36 years, Female, Wife Of Krai 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 Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-04-2024 Learned counsel for the petitioners seek permission to withdraw the petition of petitioner no. 1, namely Md. Wakil @ Wakil Dhuniya, because he has been arrested by the police.

2. Permission is accorded.

3. Accordingly, the prayer for petitioner no. 1, namely Md. Wakil @ Wakil Dhuniya is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no.2, namely Md. Feroz @ Md. Feroz Dhuniya and petitioner no. 3, namely Luto Khatoon @ Jalina Khatoon and learned APP for the State.

5. The petitioner nos. 2 and 3 apprehend their arrest



in connection with Gadhpura P.S. Case No. 89 of 2023 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354(A) 427, 379, 504 and 506 of the Indian Penal Code.

6. As per the prosecution case, all the accused persons assaulted the husband of the informant due to which his skull got fracture and blood started oozing.

7. Learned counsel for the petitioner nos. 2 and 3 submits that they are innocent and have committed no offence and have been falsely implicated in this case due to previous enmity between the parties. He next submits that the occurrence took place on 19.07.2023 and the FIR has been lodged on 26.07.2023, which is after a lapse of about seven days and there is no any plausible reason in this regard. As per the FIR, it transpires that there are general and omnibus allegation against the petitioner nos. 2 and 3 and no specific allegation against them. There is case and counter case between the parties.

8. Learned APP opposes the prayer for bail.

9. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-1st, Begusarai dated 13.02.2024, it appears that there is no specific



allegation against petitioner nos. 2 and 3. Petitioner no. 3 is a lady and there is no specific allegation against these petitioners, I am inclined to grant bail to the petitioner nos. 2 and 3.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of their arrest or surrender before the Court below within six weeks from today, the petitioner no.2, namely Md. Feroz @ Md. Feroz Dhuniya and petitioner no. 3, namely Luto Khatoon @ Jalina Khatoon, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand only) 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. 89 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

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