

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26599 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- KEWATI District- Darbhanga

1. Md Fakhare Alam Son of late Md. Yunus Resident of vill.- Malkana Tola, P.S.-Keoti, Distt.-Darbhanga
2. Md. Kashid @ Md. Aman Son of Md. Shakil Resident of vill.- Malkana Tola, P.S.-Keoti, Distt.-Darbhanga
3. Md. Saroj @ Md. Nasid Son of Md. Shakil @ Shakil Devier Resident of vill.- Malkana Tola, P.S.-Keoti, Distt.-Darbhanga
4. Md. Shahnawaz @ Namatullah Son of late Md. Gulab Resident of vill.- Malkana Tola, P.S.-Keoti, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP.
Mr. Rajesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-05-2024 Heard learned counsels for the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1 submitting that during pendency of this application petitioner no.1 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

5. Now, this application survives for rest of the petitioners.



6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

7. Allegedly, all the accused persons including the petitioners are said to have abused and assaulted the informant by means of deadly weapons. The occurrence took place due to 15 *katha* land of *Wakf* which was wrongly purchased by one Nasira Begum wife of Fakhare Alama.

8. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and they have committed no offence. No such occurrence as alleged has ever taken place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific overt act against one Md. Fakhare Alam to assault the informant by means of dagger due to which he sustained grievous injury. There is no specific overt act against the petitioners. Petitioner no.3 has four criminal antecedents, whereas petitioner no. 2 & 4 have no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.



10. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioner nos. 2, 3 & 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Keoti P.S. Case No. 125 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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