

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31918 of 2024

Arising Out of PS. Case No.-139 Year-2021 Thana- CHANDAUTI District- Gaya

1. Md Imran @ Imran Son of Md. Neyaz R/o Village- Nasirpur, P.S.- Chandauti, Dist.- Gaya.
2. Md. Ghayasuddoin @ Gheyasuddin Son of Serajuddin R/o Village- Nasirpur, P.S.- Chandauti, Dist.- Gaya.
3. Md. Sarfaraz @ Sarfaraz Son of Birju Mian @ Mirajuddin R/o Village- Nasirpur, P.S.- Chandauti, Dist.- Gaya.
4. Md. Shahnawaz @ Shahnawaz Son of Birju Mian @ Mirajuddin R/o Village- Nasirpur, P.S.- Chandauti, Dist.- Gaya.
5. Md. Mumtaz @ Sahnu @ Shahnu Son of Md. Serajuddin R/o Village- Nasirpur, P.S.- Chandauti, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.
For the Opposite Party/s : Ms. Madhuri Lata, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chandauti P.S. Case No.139 of 2021 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 337, 338, 308, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, twelve named accused persons including the petitioners came at the door of the informant armed with *lathi*, *danda*, *khanti*, *tangi*, hockey and



assaulted the informant and his family members causing injuries.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that except Section 308 I.P.C. other Sections are bailable in nature which is not made out against the petitioners. Learned counsel submits that there is a case and counter case between the parties, the altercation took place between the parties due to children's fight and both the parties sustained injury. He further submits that the chargesheet was not filed under Section 308 I.P.C., however, the Court below has taken the cognizance under Section 308 I.P.C. also. Learned counsel submits that petitioners have no criminal antecedent and they undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the



learned J.M 1st Class cum Additional Musif, Gaya in connection with Chandauti P.S. Case No.139 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

Ritik/Ankit-

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