

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30512 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- SATHI District- West Champaran

1. Sheikh Sultan @ Md. Sultan Son of Sheikh Bari Resident of Village- Sirisiya Ps- Sathi, Dist- West Champaran.
2. Altaf Raja Son of Sheikh Irshad Resident of Village- Sirisiya Ps- Sathi, Dist- West Champaran.
3. Mojibur Rahman @ Mozibur Rahman Son of Sk. Kashim Resident of Village- Sirisiya PS- Sathi, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners apprehend their arrest in connection with Sathi P.S. Case No. 85 of 2023 instituted for the offences under Sections 147, 341, 323, 427, 307, 504, 149 of the Indian Penal Code.

3. The prosecution case, in short, is that, an orchestra programme was going on in a marriage party, the petitioners along with other co-accused persons came and broke the light. They started to outrage the modesty of the ladies dancer and when the same was opposed by the injured Abdul Miyan they



assaulted him with iron rod on his head and also assaulted Sukat Miyan.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against him and have falsely been implicated in the present case. The parties are agnates and co-villagers and they are having land dispute from before. There is an unexplained delay of about five days in lodging the present F.I.R. There is also an unexplained delay of about two days in sending the F.I.R. before the Magistrate concerned. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have no criminal antecedent.

5. Learned counsel for the petitioners again submits that the co-accused namely Sheikh Nejamuddin @ Nejamuddin has been granted bail by this Court vide order dated 22.03.2024 passed in Cr. Misc. No. 21295 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that there are altogether six injuries out of which five are simple in nature and injury no.6 is grievous in nature and all the injuries are caused by hard and blunt object.



He further submits that in Para 5 of the case diary, the witness Sukar Mian in his evidence has specifically stated about the petitioner nos. 1 & 2 of assaulting by means of rod.

7. There being direct allegation of assault by rod against the petitioner nos. 1 & 2, this Court is not inclined to grant privilege of anticipatory bail to them.

8. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 & 2, above named, is rejected.

9. However, there being no direct allegation of assault against the petitioner no.3, let the petitioner no.3, above named, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sathi P.S. Case No. 85 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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