

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33417 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- PHULWARIA District- Begusarai

1. Md. Jubair Son Of Md. Rustam @ Nepla Village - Phulwaria Ganj, Ps-Phulwaria, Dist- Begusarai
2. Md. Chand Son Of Md. Rustam @ Nepla Village - Phulwaria Ganj, Ps-Phulwaria, Dist- Begusarai
3. Md. Arman @ Bouna Son Of Late Md. Baudhu Village - Phulwaria Ganj, Ps- Phulwaria, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Agrawal, Adv.
For the State	:	Mr. M. K. Nirala, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Vishal Agrawal, learned Advocate for the petitioners and Mr. M.K. Nirala, learned Additional Public Prosecutor for the State. The informant is represented through Mr. Sandip Kumar Gautam, learned Advocate.

2. The petitioners apprehend their arrest in connection with Phulwaria P.S. Case No. 67 of 2023, registered for the offences punishable under Sections 147, 148, 323, 341, 354, 307, 504 and 506 of the Indian Penal Code.

3. Allegedly while the informant along with his brothers namely, Md. Meraj and Md. Fargat were returning to home, in the meantime, all the FIR accused persons intercepted



them and started abusing and assaulting. It is further alleged that when the mother of the informant came to their rescue she was also assaulted by the accused persons. In the said occurrence, the informant and his two brothers have sustained serious injuries.

4. Learned counsel for the petitioner referring to the FIR firstly contended that the alleged occurrence took place on 30.04.2023 but the present FIR has been instituted on 03.05.2023 without assigning any explanation for delay. It is further contended that the present case is nothing but a counter blast to the Phulwaria P.S. Case no. 66 of 2023 instituted by the person of the petitioners' side. So far the injury sustained to the informant and his two brothers are concerned, as per the instruction of the petitioners, all are found to be simple in nature. This fact also fortifies, as per the submission of the petitioners, that the impugned order did not even discuss the nature of the injury. It is lastly submitted that there is no specific allegation against the petitioners; moreover the petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners have actively participated in the crime and they have also



assaulted the informant and his brothers.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the factum of case and counter case, coupled with the fair antecedent of the petitioners and the nature of injury, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon 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 Phulwaria P.S. Case No. 67 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

