

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34150 of 2024

Arising Out of PS. Case No.-143 Year-2020 Thana- PIRPAINTI District- Bhagalpur

1. SK. JABBAR @ MD. JABBAR S/O LATE SK. KAMO @ MD. KAMMO R/O VILLAGE- RANSANPUR, P.S- PIRPAINTI, DISTT.- BHAGALPUR.
2. BIBI MEENA W/O SK. JABBAR @ MD. JABBAR R/O VILLAGE- RANSANPUR, P.S- PIRPAINTI, DISTT.- BHAGALPUR.
3. SK. ANSARUL @ MD. ANSARUL S/O SK. IDDU @ MD. MAKSUD R/O VILLAGE- RANSANPUR, P.S- PIRPAINTI, DISTT.- BHAGALPUR.
4. SK. SAJID @ MD. SAJID S/O SK. JABBAR @ MD. JABBAR R/O VILLAGE- RANSANPUR, P.S- PIRPAINTI, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Pirpainti P.S. Case No. 143 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 448, 379, 307, 504, 506 of the Indian Penal Code.

3. As per prosecution case, petitioners and other came to informant's house and started abusing him and



when same was protested, they concertedly assaulted the informant by means of lathi and danda. It is alleged that petitioner no. 1 Sk. Jabbar @ Md. Jabbar assaulted upon the head of informant by means of iron rod as a result of which he sustained injury on the head. It is further alleged that informant's wife was also assaulted by all the accused persons by means of lathi, danda and rod. It is further alleged that petitioner no. 3 and other broke the box and took rupees ten thousand.

4. Learned counsel for the petitioners submits that there is only specific allegation of assault against petitioner no. 1 Sk. Jabbar @ Md. Jabbar and allegation against others are general and omnibus in nature. He further submits that injury of informant is said to be simple in nature as mentioned in Annexure-2 of the bail petition and injury of informant's wife is kept reserved. He further submits that petitioners bear no criminal antecedent. He further submits that occurrence took place on 06.08.2020 and FIR was lodged on 16.08.2020 and hence, there is considerable delay of ten days in lodging the FIR which casts



doubt upon the genuineness of prosecution story. He further submits that allegation of taking money is nothing but super-addition.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case as well as this aspect of the matter that there is specific allegation of assault against petitioner no. 1, I am not inclined to grant privilege of anticipatory bail to petitioner no.

1. Accordingly, the prayer for anticipatory bail of petitioner no. 1 Sk. Jabbar @ Md. Jabbar is, hereby, rejected.

7. However, petitioner no. 1 Sk. Jabbar @ Md. Jabbar is directed to surrender before the concerned court within two weeks from the date of receipt of this order. If petitioner no. 1 surrenders and seeks regular bail, the concerned court may pass appropriate order on the day of hearing.

8. Considering the aforesaid facts and circumstances of the case as well as this aspect of the matter that there is general and omnibus allegation against



petitioners no. 2 to 4, petitioners no. 2 to 4 above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpainti P.S. Case No. 143 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. In the aforesaid manner, this petition stands disposed of.

(Alok Kumar Pandey, J)

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