

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34386 of 2024

Arising Out of PS. Case No.-380 Year-2023 Thana- JOKIHAT District- Araria

1. Wahab Son Of Wajuddin Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
2. Nausad Son Of Wajuddin Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
3. Saddam @ Samsuddin Son Of Wajuddin Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
4. Gufran Son Of Wajuddin Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
5. Nasir Son Of Wahab Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
6. Sahnawaz Son Of Naushad Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
7. Bibi Jahno @ Jahan Arah @ Jahno Wife Of Wahab Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
8. Bibi Sanjida @ Sanjida Khatoon @ Sanjida Wife Of Ishaque Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria
9. Bibi Rehana @ Rihana Wife Of Samsad Resident Of Village - Kakan, Tola, Udan Toli, Ward No. 10, P.S. - Jokihat, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in
Jokihat P.S. Case No. 380 of 2023, registered under Sections



341, 323, 324, 325, 307, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, when the husband and father-in-law of the informant were returning to home from market, co-accused Jahangir gave a farsa blow on the head of her husband and co-accused Ishaque assaulted by means of axe on the head of her father-in-law and thereafter all the accused persons including the petitioners assaulted them.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in the present case. There is delay of three days in lodging the F.I.R. The allegations levelled against the petitioners are not specific, rather general and omnibus in nature. The specific allegation of assaulting husband and father-in-law of the informant are against Jahangit and Ishaque by means of fars and axe. The petitioners Ishaque and Khawaja also sustained injuries which were found grievous in nature. There is case and counter case between the parties. The petitioners have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.12.2023 passed in Cr. Misc. No. 76221 of 2023 and has been granted regular bail by this Court vide order dated



27.02.2024 passed in Cr. Misc. No. 11963 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jokihat P.S. Case No. 380 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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