

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35924 of 2024**

Arising Out of PS. Case No.-89 Year-2023 Thana- GADHPURA District- Begusarai

1. Md. Hasmat S/O Sariful Dhuniya Resident Of Village Korai, Police Station -Gadhpura, District Begusarai
2. Raja Dhuniya @ Md. Raja S/O Md. Natho Dhuniya R/O Village- Korai, P.S.- Gadhpura, Dist- Begusarai
3. Md. Badal @ Md. Badal Alam S/O Md. Natho Dhuniya R/O Village- Korai, P.S.- Gadhpura, Dist- Begusarai
4. Md. Shamsher @ Md. Shamshed S/O Md. Natho Dhuniya R/O Village- Korai, P.S.- Gadhpura, Dist- Begusarai
5. Md. Sabruddin @ Md. Safruddin S/O Kari Dhuniya R/O Village- Korai, P.S.- Gadhpura, Dist- Begusarai
6. Raju Dhuniya @ Md. Raju Alam S/O Ghulam Rasul @ Ghulam Dhuniya R/O Village- Korai, P.S.- Gadhpura, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Pratik, Advocate         |
| For the State        | : | Mr. Nand Kishore Prasad, APP |

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**

ORAL ORDER

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

2. The petitioners apprehends their arrest in connection with Gadhpura P.S. Case No. 89 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 354(A), 427, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along



with other co-accused persons assaulted the informant's husband by means of *lathi* and country made pistol due to which the informant's husband got injured.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. He further submits that the occurrence took place on 19.07.2023 and the FIR has been lodged on 26.07.2023, after delay of about seven days without giving any plausible explanation and there is no any specific allegation attributed against these petitioners rather the allegation is general and omnibus in nature and there is case and counter case between the parties and other co-accused persons have already been granted bail by this Court and other learned coordinate Bench of this Court vide orders dated 24.04.2024 passed in Cr. Misc. No. 23154 of 2024 and 29.04.2024 passed in Cr. Misc. No. 24420 of 2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR and impugned order dated 08.04.2024, it appears that there is no any specific allegation or overt act attributed against these petitioners and similarly situated co-accused persons have already been granted bail by



coordinate Bench of this Court, I am inclined to grant bail to these petitioners.

7. Considering the aforesaid facts and circumstances of the case and submissions made by learned counsel for the petitioners, in the event of their arrest or surrender before the Court below within six weeks from today, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Court of Learned Chief Judicial Magistrate, Begusarai in connection with Gadhpura, P.S. Case No. 89 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Ramesh Chand Malviya, J)**

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