

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41902 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- CHAUSA District- Madhepura

1. Md. Mustak Alam @ Md Mustak Son Of Md Babar Ali @ Md. Babar Village- Kalabari @ Kelabar, Ward No. 11, P.S.- Chausa, Distt.- Madhepura
2. Md. Azad Son Of Babar Ali @ Md. Babar Village- Kalabari @ Kelabar, Ward No. 11, P.S.- Chausa, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP
Mr. Navin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2024 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 302, 506, 34 of the I.P.C. in connection with Chausa P.S. Case No.351 of 2023.
3. The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, Md. Mustak Alam @ Md. Mustak.
4. Permission is accorded.
5. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.1.



6. It is next submitted that petitioner is a person with clean antecedent and the informant alleges that on 02.12.2023 all the named accused persons including the petitioner came to his shop variously armed with lathi, spear, sword, garsa and brutally assaulted the informant's father, his brother and one cousin brother and thereafter the injured were taken to Primary Health Center where the father of the informant died during the course of treatment.

7. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that altogether nine accused persons came variously armed and assaulted the father of the informant, his brother and cousin brother, but then from perusal of the postmortem report of the father of the informant, it would manifest that he received only one injury on head and the brother of the informant has also received one injury which amply demonstrates that the entire family members have been implicated including the women folk with exaggerated allegations. It is next submitted that allegation of assault is not specific, rather is general and omnibus in nature. It is next



submitted that had nine persons assaulted the injured, in that event, the injured would have suffered multiple injuries, but then the number of injury suffered by the deceased and the brother of the informant is only one. It is also submitted that two of the accused are already in custody.

8. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that what is not in dispute rather stands admitted is that father of the informant died on account of assault, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the brother and father of the informant received only one injury and the allegation of assault is general and omnibus in nature and even women folk of the family have been implicated.

9. At this learned counsel appearing on behalf of the informant submits that in the event if the privilege of anticipatory bail is granted to the petitioner in that event, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he had not participated in the occurrence.

10. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Udakishunganj, Madhepura in connection with Chausa P.S. Case No.351 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or not presenting himself as and when required, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

12. Let a copy of this order be sent to the concerned P.S. through the learned Trial court.

13. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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

