

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46799 of 2024

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

1. MD. KARI @ KARI DHUNIYA SON OF LATE SABDUL DHUNIYA
Resident of Village -Korai Police Station -Gadhpura District -Begusarai
2. MD. WAKIL @ WAIL DHUNIYA SON OF MD. KARI @ KARI
DHUNIYA Resident of Village -Korai Police Station -Gadhpura District
-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Gadhpura P.S. Case No. 89 of 2023 instituted for the offences
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, all the accused persons
assaulted the husband of the informant due to which his skull
got fractured and blood started oozing.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and
have been falsely implicated in this case due to previous



enmity between the parties. He next submits that the occurrence took place on 19.07.2023 and the FIR has been lodged on 26.07.2023, which is after a lapse of about seven days and there is no any plausible reason in this regard. As per the FIR, it transpires that there are general and omnibus allegation against the petitioners and no specific allegation against them. There is case and counter case between the parties. He further submits that allegation against the petitioners is omnibus not specific and one specific allegation regarding assault by lathi upon the injured is against petitioner No. 2. Similarly situated eight accused persons have already been granted bail by this Court passed in Cr. Misc. No. 24420 of 2024 vide order dated 29.04.2024 and in Cr. Misc. No. 35924 of 2024 vide order dated 23.05.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-1st, Begusarai dated 24.05.2024, it appears that there is no specific allegation against petitioners, therefore, I am inclined to grant bail to the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Gadhpura P.S. Case No. 89 of 2023.

(Ramesh Chand Malviya, J)

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