

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54787 of 2023

Arising Out of PS. Case No.-115 Year-2012 Thana- LADANIA District- Madhubani

SURENDRA SAFI SON OF LATE GHURUN SAFI RESIDENT OF
VILLAGE- KASMA MARAR, WARD NO. 9, PS- KHAJAULI, DISTT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s :	Mr.Anil Kumar, APP.
	Mr. Gagan Deo Yadav, Adv.
	Mr. Ravi Prakash, Adv.
	Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 386, 406, 429, 120(B) of the Indian Penal Code and 27 of Arms Act.

3. Allegedly, due to dispute regarding the supply of bricks, all the accused persons including the petitioner are said to have abused the informant. Owner of the brick kiln assaulted the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been



falsely implicated in this case due to previous enmity. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been made accused in the present case merely with ill motive. It is further submitted that during the course of investigation, petitioner was enjoying the benefit of Section 41(A) of Cr.P.C and later on, after the investigation, the police has filed the charge sheet against him. Similarly situated co-accused, namely, Lakshmi Narayan Safi @ Lakshmi Safi has been enlarged on provisional bail by this court vide order dated 25.01.2024 passed in Cr. Misc. No. 68529 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that the process under Section 82 Cr.P.C. has been issued against the petitioner, which is also evident from the impugned order.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner and similarly situated co-accused has been granted provisional bail by this Court, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Ladaniya P.S. Case No. 115 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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