

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73724 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- MANSAHI District- Katihar

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1. Md. Murad @ Md. Murad Ali son of Md. Sarifuddin R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR
 2. Md. Saddam son of Md. Sarifuddin R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR
 3. Md. Azad son of Md. Sarifuddin R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR
 4. Md. Sajjad son of Md. Sarifuddin R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR
 5. Md. Sarfraj @ Md. Safranj son of Md. Sarifuddin R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR
 6. Md. Firoj son of Md. Sarifuddin R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR
 7. Md. Sarifuddin son of Late Md. Hanif R/O- VILLAGE- CHHOTI BATHNA, P.S. -MANSAHI, DIST. -KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-10-2024 Heard learned counsels for the parties.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 193(3), 190, 126(2), 115(2), 118(1), 109, 352, 351(2), 3(5) of the BNS.

3. As per the FIR, the petitioners and other co-accused persons assaulted the informant and his side by means of deadly weapons.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. Petitioner nos.1 to 6 have one criminal antecedent and petitioner no.7 has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner nos.2 and 4 to assault the injured persons and injuries upon them were found grievous in nature.

6. Having regard to the facts and circumstances of the case as well as considering that the petitioner nos.2 and 4 are the authors of grievous injury, I am not inclined to enlarge the petitioner nos.2 and 4 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. However, as the injuries attributed towards the petitioner nos.1, 3, 5, 6 and 7 are simple in nature, let the above named petitioner nos.1, 3, 5, 6 and 7, be released on bail, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Mansahi P.S. Case No.82 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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