

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78257 of 2024

Arising Out of PS. Case No.-347 Year-2023 Thana- MANJHAGARH District- Gopalganj

1. Shaukat Ali S/O Late Ali Imam Resident of village - Khajurbani, Ward No - 25 ,P.S - Gopalganj Town ,District Gopalganj
2. Nurain Miyan @Md.Nurain Miyan S/O Late Abdul Gafur R/O Village- Hasnadi Mahuawan, P.S.- Kuchaikkote,District Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506, 385 and 34 of the Indian Penal Code.

3. As per the prosecution case, on 02.10.2023 at 11:00 a.m., while the informant was in the way to purchase bricks then he found that all the accused persons including these petitioners and 4-5 unknown persons were assemble for measuring of his land. When the informant objected then all the accused persons including these petitioners assaulted the informant and also took out Rs. 20,000/- from his pocket.

4. Learned counsel appearing on behalf of the petitioners submits petitioners are innocent and have falsely been implicated in the present case due to land dispute. It is



further submitted that the occurrence took place on 02.10.2023 but the FIR has been lodged on 05.10.2023 after a delay of three days without any plausible explanation for the delay which itself creates a doubt over the veracity of the case. The doctor has found the nature of injury simple. Petitioners have got clean antecedent as stated in the Para-3 to the bail petition.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case, delay in lodging the FIR and the nature of injury, let the above named petitioners, 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-bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each 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 Manjhagarh P.S. Case No. 347 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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