

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76488 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- GAMAHARIYA District- Madhepura

1. Md. Kalim @ Khalku Son of Md. Habbi @ Md. Habib All Resident of Village- Gamhariya, P.S.- Gamhariya, District- Madhepura
2. Md. Mumtaz Son of Md. Maiuddin All Resident of Village- Gamhariya, P.S.- Gamhariya, District- Madhepura
3. Md. Saddam Son of Md. Maiuddin All Resident of Village- Gamhariya, P.S.- Gamhariya, District- Madhepura
4. Md. Rahana Khatoon Wife of Md. Habib All Resident of Village- Gamhariya, P.S.- Gamhariya, District- Madhepura
5. Roshan Khatoon Wife of Md. Kalim All Resident of Village- Gamhariya, P.S.- Gamhariya, District- Madhepura

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 324, 379, 427 & 504/34 of the Indian Penal Code.

3. While the son of the informant was regressing to his home from the local market, on the way, all the petitioners are said to have encircled him and petitioner no.1 assaulted with Dabiya causing severe cut injury on hand and he fell down conscious. They also took out one gold ring and chain from the informant's



son and money from his pocket.

4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. It is further submitted that as per the F.I.R., the informant is a P.D.S. dealer and these petitioners are also beneficiary of that P.D.S. shop and usually they protest the informant/P.D.S. dealer for his malpractices as he measures less weight of articles and this is the prime reason for falsely implicating these petitioners. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Having regard to the facts and circumstances of the case as well as the fact that the allegation against petitioner nos.2 to 5 are general and omnibus in nature, let the above named petitioner nos.2 to 5, 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 Gamhariya P.S. Case No. 48 of 2023,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Considering the facts and circumstances of case as well as the fact that petitioner no.1 is the author of the grievous injury, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected. However, petitioner no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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