

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79312 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- GWALPARA District- Madhepura

Md. Inno @ Md. Gufran, S/O Md. Taiab, R/O Laldih, Ward No. 12, P.S.
Gwalpara District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms. Patla Kumari, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking pre-arrest bail in connection with Gwalpara P.S. Case No. 176 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 15.08.2022, during the Flag hosting at Jhanjhari Chawk in a private coaching institute, some altercation took place between the grandson of the informant and one Md. Shahnawad and Md. Danish which was resolved by the villagers. On the same day at about 10:30 A.M., when the informant's son went to the house of Md. Danish, fifteen named accused persons assaulted him by *lathi*, *danda* and sword. It is alleged that the informant's son somehow



managed to escape from there and got admitted at PHC, Gwalpara from where he was referred to Madhepura Hospital and then referred to Patna.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It is submitted that the name of the petitioner has transpired in course of investigation on mere suspicion. It is submitted that the co-accused similarly situated have been granted privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 71526 of 2022 and Cr. Misc. No. 1645 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission on behalf of the petitioner that the petitioner is not named in the FIR, his name has transpired in course of investigation on mere suspicion and the co-accused similarly situated have been granted privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 71526 of 2022 and Cr. Misc. No. 1645 of 2023, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Gwalpara P.S. Case No. 176 of 2022 on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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