

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81739 of 2024

Arising Out of PS. Case No.-143 Year-2020 Thana- PIRPAINTI District- Bhagalpur

1. Bibi Jiniya Wife of Sheikh Mahfuz R/O Raushanpur, P.S.- Pirpanti, Dist.- Bhagalpur.
2. Md. Israil @ Sheikh Israil @ Sk. Israil Son of Sheikh Mahfuz R/O Raushanpur, P.S.- Pirpanti, Dist.- Bhagalpur.
3. Md. Rais @ Sheikh Rahish @ Sk. Rayees @ Md. Raiyees Son of Sheikh Mahfuz R/O Raushanpur, P.S.- Pirpanti, Dist.- Bhagalpur.
4. Md. Rahil @ Sheikh Rahil @ Sk. Rahil Son of Sheikh Mahfuz R/O Raushanpur, P.S.- Pirpanti, Dist.- Bhagalpur.
5. Sheikh Wazeer @ Md. Vajeer @ Sk. Vajir Son of Sk. Mubarak @ Bhutka R/O Raushanpur, P.S.- Pirpanti, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Fahad Khurshid
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Pirpanti P.S. Case No. 143/2020 registered for the offences punishable under Sections 147, 149, 341, 323, 448, 379, 307, 504, 506 of the Indian Penal Code.

3. As per prosecution case, petitioners and other came to informant's house and started abusing him and when same was protested, they concertedly assaulted the informant by



means of lathi and danda. It is alleged that co-accused SK. Jabbar @ Md. Jabbar assaulted upon the head of the informant by means of iron rod as a result of which he sustained injury on the head. It is further alleged that informant's wife was also assaulted by all the accused persons by means of lathi, danda and rod. It is further alleged that co-accused SK. Ansarul @ Md. Ansarul and other broke the box and took rupees ten thousand.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. He further submits that similar and identical allegation, co-accused Bibi Meena, SK. Ansarul @ Md. Ansarul and SK. Sajid @ Md Sajid have already been anticipatory bail by this court vide Cr. Misc. no.34150/2024 and on the principle of parity, the petitioners also deserve same treatment. He further submits that occurrence took place on 06.08.2020 and FIR was lodged on 16.08.2020 and hence, there is considerable delay of ten days in lodging the FIR which casts doubt upon the genuineness of prosecution story. He further submits that allegation of taking money is nothing but super-addition. All allegations are general and omnibus in nature.



5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, similar and identical allegations co-accused have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Pirpanti P.S. Case No. 143/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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