

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79054 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- PALANWA District- East Champaran

1. Mukhtar Gaddi, Son of Addalat Gaddi, Resident of Village - Bad Bahuari, P.S. - Palanwa, District - East Champaran
2. Sagir Gaddi, Son of Addalat Gaddi, Resident of Village - Bad Bahuari, P.S. - Palanwa, District - East Champaran
3. Adalat Gaddi, Son of Hallajat Gaddi, Resident of Village - Bad Bahuari, P.S. - Palanwa, District - East Champaran
4. Lal Babu Gaddi, Son of Tharu Gaddi, Resident of Village - Bad Bahuari, P.S. - Palanwa, District - East Champaran
5. Mogal Gaddi, Son of Bagar Gaddi, Resident of Village - Bad Bahuari, P.S. - Palanwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioners and Mr. Mr.Pranav Kumar, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Palanwa P.S. Case No. 224 of 2023 instituted for the offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioners along with others confined the informant started abusing and



assaulting him. When the informant started raising alarm, his sons Neyaz Gaddi and Ablaish Gaddi came to rescue. After this Munna Gaddi gave order to assault. On this, all the accused assaulted with *farsa* on the head of the informant's son.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. There is also a counter version of this case. From perusal of the F.I.R. itself, it is clear that the nature of allegation is general and omnibus and from perusal of the order of the trial Court, it transpires that two persons Neyaz Gaddi and Ablaish Gaddi have received head injuries. From perusal of injury report of Ablaish Gaddi, it is clear that nature of injury is simple. It is also submitted by learned counsel for the petitioners that police has not submitted chargesheet under Section 307 rather it has been submitted in other Sections.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Palanwa P.S. Case No. 224 of 2023, they will be enlarged on 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 learned C.J.M., East Champaran, Motihari, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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