

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82444 of 2023

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

Md. Saddam S/O Md. Salim Village- Jhanjhari, Ps. Gwalparai, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Gwalpara P.S. Case No. 176 of 2022, registered on 16.08.2022 for the offences under Sections 147, 148, 341, 323, 324, 325, 307, 504, 506, 302 and 149 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the son of the informant in the background of some altercation, which took place between two children. Later on, son of the informant succumbed to the injuries.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in



this case. The allegation against the petitioner is non-specific and is omnibus with other co-accused persons. Specific allegation of assault by sword and lathi is against co-accused Md. Tantan and Md. Gaffar, who assaulted on the head of the son of the informant, who sustained serious injuries and died during treatment. Learned counsel further submits that co-accused Md. Jattu @ Majuruddin and Md. Ghasir @ Ghasir Mian have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 54155 of 2023. Another co-accused Md. Azmat @ Azmatullah has also been granted anticipatory bail by another Coordinate Bench vide order dated 24.05.2023, passed in Cr. Misc. No. 16452 of 2023. Learned counsel for the petitioner further submits that the informant had made altogether fifteen persons accused in this case and there was no participation of this petitioner in the alleged offence. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific allegation against the petitioner, possibility of false accusation and also grant



of bail to similarly placed co-accused persons, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Udakishunganj (Madhepura)/concerned court in connection with Gwalpara P.S. Case No. 176 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

U		T	
---	--	---	--

