

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81883 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- CHAKIA District- East Champaran

Md. Akhtar Miya @ Md. Akhatar Alam @ Md. Akhatar Ali Son Of Late
Bhola Mian R/O Village- Kuawa Ward No.9, P.S.- Chakia, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Chakia P.S. Case No. 50 of 2023 registered for the offence
punishable under Sections 147, 148, 149, 323, 325, 337, 338,
327, 307, 504 of the Indian Penal Code.

3. In course of patrolling, the police received an
information that owing to the altercation between two
shopkeepers in connection with selling of meat, the person of
both the sides entered into a free-fight resulting into injuries to
Md. Akhtar Ali, Aftab Alam and Amanat Ali. The injured person
disclosed the names of the FIR named accused persons,
including the petitioner.



4. It is submitted on behalf of the petitioner that admittedly the FIR has been instituted by the police personnel and the name of the petitioner has transpired on the disclosure made by the injured persons. He further submits that save and except the disclosure made by the injured person, there is no allegation as to how and in what manner the petitioner has participated in the scuffle, moreover, the petitioner is a man of fair antecedent and other co-accused persons having identical allegation they have allowed the privilege of anticipatory bail vide Cr. Misc. No. 46091 of 2023 vide order dated 04.08.2023, copy of which has been marked as Annexure-3 to the bail application.

5. On the other hand, learned APP for the State opposes the pre-arrest bail application of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation of participation in the free-fight on account of selling of mutton and the fact that similarly situated co-accused persons have been allowed privilege of anticipatory bail, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on



furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Chakia P.S. Case No. 50 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

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

