

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83865 of 2023

Arising Out of PS. Case No.-372 Year-2023 Thana- BIRAUL District- Darbhanga

1. Nazre Alam Khan S/O Late Vali Alam Khan R/O Village- Saho, P.S- Biraoul, Distt.- Darbhanga.
2. Umar Ali Khan @ Umar Khan @ Aulad Khan @ Umer Khan S/O Late Vali Alam Khan R/O Village- Saho, P.S- Biraoul, Distt.- Darbhanga.
3. Yasir Hussain Khan @ Yasir Khan S/O Kalam Khan @ Abul Kalam Khan R/O Village- Saho, P.S- Biraoul, Distt.- Darbhanga.
4. Sadir Hussain Khan @ Auranjeb Khan S/O Kalam Khan @ Abul Kalam Khan R/O Village- Saho, P.S- Biraoul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Girish Chandra Jha
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem
For the Informant	:	Mr. Pankaj Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

2. Learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no. 3 submitting that during pendency of this application the
petitioner no. 3 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to
petitioner no. 3 is dismissed as withdrawn.

5. Now, this application is being only with regard to
petitioners no. 1, 2 and 4.



6. Heard learned counsel for the petitioners and learned APP for the State assisted by learned counsel for the informant.

7. Learned counsel for the petitioners seeks permission to correct para-3 of this application in course of day.

8. Permission is granted.

9. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354(A), 379, 504, 506, 34 of the Indian Penal Code.

10. As per the prosecution case, the petitioners along with other co-accused persons are said to have assaulted the informant and his family members.

11. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that no such type of occurrence took place as narrated by the informant. He further submits that the petitioners and the informant are co-villager and due to village politics, petitioners have falsely been implicated in this case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

12. Learned APP for the State as well as learned



counsel for the informant opposed the prayer for anticipatory bail.

13. Having regard to the facts and circumstances of the case and the fact that there is general and omnibus allegation against petitioners no. 1 and 2, let the above named petitioners no.1 and 2, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Biraul P.S. Case No. 372 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

14. Considering the facts and circumstances of case and the fact that there is specific overt act against petitioner no. 4, I am not inclined to enlarge petitioner no.4 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 4 is hereby rejected.

15. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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