

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68822 of 2024

Arising Out of PS. Case No.-862 Year-2024 Thana- PHULWARISHARIF District- Patna

Md. Neshhutuzzama @ Md. Nishant Mallick @ Md. Nashatuzzama S/o Md. Jamaluddin R/o Esha Nagar, Baitul Karim Masjid, Esahnagar, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atul Kumar Mehta, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioner and the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 336, 307, 326, 353, 268, 327 and 427 of the Indian Penal Code and Section 27 of the Arms Act.

3 . As per prosecution case , on the alleged date and time of occurrence, two groups were fighting as a result of which one person sustained injury and police recovered seven motorcycles, nine empty cartridges and one pellet. It is further alleged that accused persons also got released an accused from police custody.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and have been made an accused in this case only on the basis of CCTV footage . There is no specific accusation of assault against these petitioners. Allegations of firing is general and omnibus. Similarly situated co-accused person has already granted bail by this Court vide order dated 25.09.2024 in Cr. Misc. No. 63731 of 2024 .

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM xiv Patna in connection with Phulwarisharif P.S. case No. 862 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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