

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78341 of 2024

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

Md. Shaubi Khan @ Md. Saubi @ Md. Saubi Khan S/o- Md. Shamim R/o-
Khagaul Road Near Chand Complex Ps- Phulwari Sharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif , Advocate

For the Opposite Party/s : Mr. Manoj Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence 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 injuries and police recovered seven motorcycles, nine empty cartridges and one pellet. It is further alleged that co-accused persons also got one accused person released from police custody .

4. It is submitted by learned counsel appearing on behalf of the petitioner that fore the same offences, two F.I.R.,



has been lodged against this petitioner in Phulwarisharif P S Case No. 862 of 2024 which is filed by the police and in Phulwarisharif P S Case No. 862 of 2024 which was lodged by injured persons. It is further submitted that petitioner is innocent and has falsely been implicated in this case merely on the suspicion . Petitioner has got no concern with the co-accused Md. Naushad Mallik . Allegation is general and omnibus and there is no specific accusation of assault against this petitioner. Similarly situated co-accused persons, namely Mohammad Tajuddin, and Shadab Faridi have already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 12.09.2024 passed in Cr. Misc. No. 63536 of 2024 and vide order dated 25.09.2024 in Cr. Misc. No. 63731 of 2024 .

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation , claim based on parity , the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned A.C.J.M., Patna, in connection with Phulwarisharif P.S. Case No. 862 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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