

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61790 of 2017

Arising Out of PS.Case No. -192 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

=====

Masum Raja @ Raja @ Masum Reza @ Masum Raza, Son of Anisur
Rahaman, resident of Village- Jogiya, P.S. Ramnagar, District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Sri Surendra Kumar

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner who is languishing in judicial custody since
19.08.2016 in connection with Sessions Trial No. 306 of 2017
arising out of Ramnagar P.S. Case No. 192 of 2016 for offences
punishable under Sections 147, 148, 149, 341, 323, 307, 354, 506
of the Indian Penal Code and Section 27 of the Arms Act and
subsequently Section 302 of the Indian Penal Code added.

The prosecution case, as lodged by the informant, is
that while the petitioner along with two other accused persons
tried to outrage the modesty of one Johri Begum, her father-in-law
S.K. Anwarul along with others came and objected and tried to



rescue who were assaulted by Lathi, Danda and Khata by the petitioner and 12 other persons named in the F.I.R. As a result, the father-in-law of the said Johri Begum (S.K) Anwarul) got seriously injured and succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, the allegation of assault is general and omnibus and one of the co-accused has been granted the privilege of bail by this Court in Cr. Misc. No. 56701 of 2017 on 22.11.2017. He submits that the petitioner undertakes to co-operate in the trial on day to day basis.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the case of the petitioner is on different footing than that of other accused Faizal Ali as he tried to outrage modesty of Johri Begum and also inflicted blows on the deceased and other family members.

Bail application of the petitioner along with other co-accused was earlier rejected by order dated 26.11.2016 in Cr. Misc. No. 45337 of 2016 and by order dated 05.07.2017 in Cr. Misc. No. 23298 of 2017.

Considering the facts and circumstances and the



materials on record and that other co-accused has been granted the privilege of bail and considering the period of custody, let petitioner, above named, 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.D.J.-II, Bagaha, West Champaran in connection with Sessions Trial No. 306 of 2017 arising out of Ramnagar P.S. Case No. 192 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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

