

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43385 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -RAUTA District- PURNIA

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Md. Junaid Alam @ Md. Junaid Alam Thekedar, Son of Late Md. Idris,
Resident of Village- Panderpur, Police Station- Amour, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
09.04.2017 in connection with Rauta P.S. Case No. 21 of 2017 for
offences punishable under Sections 147, 148, 323, 307, 452, 436,
379, 506 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his nephews, who had their houses situated near his
house, 14 persons variously armed with Dabiya, sword and lathi
and other weapons came their house and started assaulting his
nephews and also indulged in breaking all items of the house and
when Md. Saquib @ Lal Baboo came for rescue, he was also
beaten and later on he succumbed to the injury. It is alleged that



the motorcycle and other items of the house was taken away and house was set on fire.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal antecedent. He submits that in the re-statement the informant has not only named 14 persons including the petitioner, but 50-60 more persons who had attacked the house of the nephews of the informant. He submits that there is only two injury found on the deceased whereas there was mob attack. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that some of the co-accused have been granted the privilege of bail by this Court.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the motorcycle and other weapons used for the alleged occurrence has been recovered from the house of the petitioner. He further submits that there was a property dispute between nephew of the informant and some of the co-accused from before and after the incident the petitioner had feast at their house and the case is different with that of the other accused as the motorcycle and other weapons used in the assault in which one person died was



recovered from his house.

Considering the facts and circumstances and the materials on record since it was a mob attack and there is no specific and direct allegation upon the petitioner of hitting the deceased, 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 Additional Chief Judicial Magistrate-IIInd, Purnea in connection with Rauta P.S. Case No. 21 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their 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)

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