

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55760 of 2018

Arising Out of PS. Case No.-311 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

- =====
1. Md. Ehshan,
 2. Md. Tasam
 3. Eklam

All Sons of Md. Alim @ Md. Alimuddin, All R/o Vill.-
Chilmil , P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend arrest in connection with
Muffasil P.S. Case No. 311 of 2018 dated 04.06.2018
instituted under Sections 307, 323, 341, 379 and 504/34 of
the Indian Penal Code.

3. The allegation against the petitioners and one
another is of general assault whereas against petitioner no.
1, it is specific that from his mobile SIM, obscene call was



made to the wife of the informant and further of assaulting the informant whereas against the rest petitioners and other co-accused, it is of general assault.

4. Learned counsel the petitioner submitted that petitioners are neighbours and further the allegation of assault against four accused is not believable. Learned counsel further submitted that at best it is only the petitioner no. 1 against whom some sort of wrong can be made out. It was submitted that petitioners have no criminal antecedent.

5. Learned APP did not controvert the fact that the allegation against the petitioners no. 2 and 3 is general and omnibus. It was further submitted that it was the mobile of petitioner no. 1 from whose SIM, the obscene call was made to the wife of the informant and further that he had also assaulted the informant.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2 and 3 (Md. Tasam and Eklam), be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of the CJM, Begusarai in connection with Muffasil P.S.Case No. 311 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

7. The prayer for anticipatory bail of petitioner no. 1 (Md. Ehshan) stands rejected.

(Ahsanuddin Amanullah, J)

sujit/-

U			
---	--	--	--

