

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12007 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- JHANJHARPUR District- Madhubani

1. NEK MOHAMMAD @ SONU Son of Md. Asique @ Md. Anwarul Haque Resident of Village- Piparauliya, P.S.- Jhanjharpur, (Arariya Sngam) District- Madhubani
2. Md. Jilani, S/o Md. Asique @ Md. Anwarul Haque, Resident of Village- Piparauliya, P.S.- Jhanjharpur (Arariya Sangram), District- Madhubani
3. Md. Quddus @ Md. Kudus, S/o Late Md. Ali Hasan, Resident of Village- Piparauliya, P.S.- Jhanjharpur (Arariya Sangram) District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 04.01.2019 in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Nazra Begum, recorded by S.I. Doman Paswan of PMCH (O.P.), Patna on 24.06.2018 at 10.15 P.M. to the effect that on 23.06.2018, at 6.30 A.M., the informant's husband was at his house, in the meantime, ten accused persons, including the



petitioners came variously armed and attacked on the husband of the informant. The accused person also assaulted on the head of the informant's husband with 'dabiya', as a result he fell down near the door and got unconscious. It is further alleged that when son of the informant, namely Safuan came to rescue his father, he was also assaulted by the accused persons and when the informant went to rescue his son and husband, then she was assaulted by the accused persons with an iron rod. Thereafter, the injured was first taken to Primary Health Centre, Jhanjharpur and from there, he was taken to DMCH, Darbhanga and subsequently he was taken to PMCH, Patna.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general against the ten persons, including the petitioners. It is further submitted that co-accused Md. Sadam @ Md. Saddam Hussain has been granted bail by a co-ordinate Bench of this Court vide order dated 25.10.2018, passed in Criminal Miscellaneous No.63576 of 2018. It is further submitted that there is a counter case filed by the petitioners' side against the informant's side, being Jhanjharpur P.S. Case No. 84 of 2018. Though petitioner no.2 is accused in two other cases and



petitioner no.1 is accused in one other case apart from the present case, but petitioner no.1 is not having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR.

Considering the omnibus and general accusation against ten accused persons, including the petitioners, which is not being corroborated by medical opinion, there being a counter case filed against the informant's side and co-accused Md. Saddam has been granted bail by a co-ordinate bench of this Court, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Jhanjharpur, Madhubani in connection with Jhanjharpur (Araria Sangram) P.S. Case No.83 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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

