

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15866 of 2019

Arising Out of PS. Case No.-561 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. MD. PERVEGE ALAM @ MD. PERVEGE @ MD. PARBEJ ALAM Son of Late Mosin @ Mohsin Resident of Village - Lahona (Pastpar), P.S.- Saur Bazar, Distt.- Saharsa.
2. Md. Gayas Son of Late Abdul Rawoof Resident of Village - Lahona (Pastpar), P.S.- Saur Bazar, Distt.- Saharsa.
3. Md. Jaheer Son of Late Md. Ajijuddin @ Late Amir Resident of Village - Lahona (Pastpar), P.S.- Saur Bazar, Distt.- Saharsa.
4. Md. Mairuj @ Md. Meiraz Son of Late Abdul Rahman @ Late Abdula Rahman, Resident of Village - Lahona (Pastpar), P.S.- Saur Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 08.10.2018 in connection with Saur Bazar P.S. Case No. 561 of 2018 for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

The prosecution case as lodged by the police personnel is that on information that the erstwhile Mukhiya and the present Mukhiya are on inimical terms and have engaged themselves in assault and riot the police reached the place of



occurrence and as many as 30 persons named in the F.I.R. and 5-6 unnamed persons have been alleged to have caused injury on several persons. Some of the accused also sustained injury and one also died.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case because of political rivalry. He further submits that general and omnibus allegation has been levelled against 30 named accused and 5-6 unnamed. There was a mob attack and some of the accused have already been granted the privilege of bail by this Court in Cr. Misc. No. 8339 of 2019 dated 13.02.2019. He further submits that there was cross firing by two political sides and in a large mob it is not ascertainable as to who caused injury on whom. He further submits that he has been made accused in other cases earlier because of political rivalry.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have a clean antecedent and six more cases are pending against them.

Considering the facts and circumstances and materials of record, let the petitioners above named be enlarged 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 the learned



Chief Judicial Magistrate, Saharsa in connection with Saur Bazar P.S. Case No. 561 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) The petitioners 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 their bail bonds.

(3) If the petitioners indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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

