

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23706 of 2019

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

1. Md. Akim @ Akimuddin @ Md. Akimuddin, aged about 60 years, Gender Male Son of Late Abdul Resident of Village - Lahona, P.S.- Saur Bazar, District - Saharsa.
2. Md. Kausar @ Md. Kausar Alam, aged about 40 years, Gender Male, Son of Late Rajabul Resident of Village - Lahona, P.S.- Saur Bazar, District - Saharsa.
3. Md. Haidar Kamal @ Jiso Miso @ Miso @ Jiso, aged about 61 years, Gender-Male, Son of Late Abdul Rauf Resident of Village - Lahona, P.S.- Saur Bazar, District - Saharsa.
4. Md. Lali @ Faisal Alam, aged about 30 years, Gender-Male, Son of Kato Kamal. Resident of Village - Lahona, P.S.- Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocates
		Mr. Saket Kumar Sinha, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-08-2019

Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Saket Kumar Singh, learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Saur Bazar P.S. Case No. 561 of 2018 dated 07.10.2018 instituted



under Sections 307, 147, 148, 149, 341, 323, 324, 504 and 506 of the Indian Penal Code and 27 of the Arms Act and 3/4 of the Explosive Substances Act.

3. Learned counsel for the petitioners submitted that petitioners no. 1, 2 and 3 have been arrested. Accordingly, the application stands restricted to petitioner no. 4.

4. The allegation against the petitioner along with 29 other named and 5-6 unknown, in which one person was injured and later on succumbed to his injuries, is only general and omnibus whereas only against one named co-accused, the allegation is of specific firing on the deceased.

5. Learned counsel for the petitioner submitted that the FIR was lodged by the police in which the petitioner no. 4 had also been named along with 29 others and 5-6 unknown but in the FIR filed by the brother of the deceased, 25 persons have been named but not the petitioner.

6. Learned APP, could not controvert the fact that for the same incident in the FIR lodged by the police, the petitioner has been named but the brother of the deceased who had also lodged an FIR, the petitioner has not been named. It was also not controverted that against the petitioner, there is no direct allegation of firing which is against another co-accused and there



is general and omnibus allegation of making indiscriminate firing. It was also not disputed that the fight was between two groups.

7. 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 petitioner no. 4 namely Md. Lali @ Faisal Alam be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saur Bazar P.S. Case No. 561 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. One of the bailors shall be a close relative of the petitioner no. 4. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner 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 his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to



cooperate or appear on two consecutive dates, without sufficient
cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

