

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45446 of 2019

Arising Out of PS. Case No.-219 Year-2019 Thana- ARARIA District- Araria

1. MD. WARIS S/O Daud Resident of village Damheli, Ward No. 3, P.S. and District Araria.
2. Wasim Akram @ Waseem Akram S/O Md. Akhtar Resident of village Damheli, Ward No. 3, P.S. and District Araria.
3. Md. Saddam S/O Late Abujar Resident of village Damheli, Ward No. 3, P.S. and District Araria.
4. Intakhab @ Md. Kitkhab @ Lattu S/O Late Shankat Resident of village Damheli, Ward No. 3, P.S. and District Araria.
5. Masoom S/O Mojib Resident of village Damheli, Ward No. 3, P.S. and District Araria.
6. Jumman S/o Sajjat Resident of village Damheli, Ward No. 3, P.S. and District Araria.
7. Bibi Najeena @ Najeema W/O Mojib Resident of village Damheli, Ward No. 3, P.S. and District Araria.
8. Bibi Husna @ Bibi Hush @ Husan Ara W/O Late Abujar Resident of village Damheli, Ward No. 3, P.S. and District Araria.
9. Bibi Bhochiya @ Tazmin W/O Akhtar Resident of village Damheli, Ward No. 3, P.S. and District Araria.
10. Bibi Rokhsar Khatoor @ Bibi Ruksar Khatoon @ Rukhsar Khatoon D/O Waris Resident of village Damheli, Ward No. 3, P.S. and District Araria.
11. Sahin @ Shahin W/O Waris Resident of village Damheli, Ward No. 3, P.S. and District Araria.
12. Sahzadi @ Bibi Shahzadi D/O Akhtar Resident of village Damheli, Ward No. 3, P.S. and District Araria.
13. Ashiyana @ Bibi Ashiyana D/O Akhtar Resident of village Damheli, Ward No. 3, P.S. and District Araria.
14. Nasrin D/o Mojib Resident of village Damheli, Ward No. 3, P.S. and District Araria.
15. Guddi D/O Late Abujar Resident of village Damheli, Ward No. 3, P.S. and District Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anil Prasad Singh
For the Opposite Party/s :	Mr.Pramod Kumar Pandey



CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

22 23-07-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323 341, 324,307, 325 IPC registered in connection with Araria P.S. Case No. 219/2019.

3. It is submitted that the petitioners have been falsely implicated and the FIR has been instituted against as many as 17 accused persons including a number of ladies. There is admitted land dispute and the parties are all family members and there is case and counter case between the parties. Specific accusation of assault is against co-accused Md. Akhtar and Mojib and the accusation against the remaining accused persons is general and omnibus without any specific assault attributed individually. The grievous injury sustained by two persons on their forearms is on non-vital part of the body and is attributable to the aforesaid two co-accused Md. Akhtar and Mojib. The petitioner nos. 1, 5, 8 and 9 are accused in one prior case being Complaint Case No. 2529 of 2010, in which they are on bail while the remaining petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Araria, in connection with Araria P.S. Case No. 219/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so



required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 1 to 6 shall remain physically present and petitioner nos. 7 to 15 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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