

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3093 of 2019**

Arising Out of PS. Case No.-65 Year-2019 Thana- THAWE District- Gopalganj

1. Jhulan Ahmad @ Sohail Ahmad, Son of Sabir Ahmad @ Shakeel Ahmad.
2. Munna Mian @ Sartaj Alam, Son of Dhora Mian
3. Khurshed Hazam @ Khurshid Alam, Son of Julfakhar Hajam
4. Mohammad Zakir, Son of Atitullah Mian
5. Sohrab Ansari, Son of Rustam Ansari
All Resident of village- Bagaha Nizamat (Bathan), P.S.- Thawe, District-
Gopalganj.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Pandey

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 29-11-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This appeal has been preferred for setting aside the order dated 17.06.2019 passed by learned A.D.J.-I, Gopalganj in ABP No.969 of 2019 arising out of Thawe P.S. Case No.65 of 2019 registered for the offences punishable under Sections 341, 323, 324, 379, 504, 506 and 354/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

On perusal of the records it appears that according to the prosecution there was a marriage in the family of the



informant and an Archestra programme was going on at the alleged place of occurrence when these appellants assembled there and they started quarrelling whereupon the informant's side intervened and at this stage appellants assaulted the informant's side and in the said assault participation of Jhulan Ahmad and Munna Mian has been specifically alleged.

So far as appellant nos.1 and 2 namely Jhulan Ahmad and Munna Mian are concerned, this Court is not inclined to interfere with the impugned order. Their prayer for grant of anticipatory bail is thus refused. In case they surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit.

So far as appellant nos.3, 4 and 5 are concerned, since there are general and omnibus allegations and no specific act of assault has been alleged against anyone of them, let the impugned order dated 17.06.2019 passed by learned A.D.J.-I, Gopalganj in ABP No.969 of 2019 arising out of Thawe P.S. Case No.65 of 2019 in so far as it relates to the appellant nos.3, 4 and 5 be set aside.

Let in the event of their arrest or surrender within a period of four weeks from today, the appellant nos.3, 4 and 5 be



enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-1st-cum-Special Judge, Gopalganj in connection with Thawe P.S. Case No.65 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

arvind/-

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

