

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52005 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SHRI NAGAR District- Madhepura

1. MD. KASIF Son of Md. Kamaluddin Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
2. Md. Abuzar Son of Md. Zamiruddin Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
3. Md. Kaif Son of Md. Kamrul Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
4. Md. Mojahid @ Chunna Son of Md. Mehruddin Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
5. Md. Shahid @ Munna Son of Md. Mehruddin Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
6. Md. Funni @ Md. Sajid Son of Md. Mehruddin Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
7. Md. Athar Son of Md. Zamiruddin Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
8. Md. Aslam Son of Late Jabbar Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
9. Md. Sahrul Son of Md. Hafiz @ Abdul Hafiz Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.
10. Md. Kamaluddin Son of Late Md. Akhiyash Resident of Village - Puraini, P.S. - Srinagar, District - Madhepura.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Shyameshwar Kumar Singh, Advocate.
For the State	:	Mr. Rajendra Nath Jha, A.P.P.
For the Informant	:	Mr. Dinesh Prasad Verma, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-08-2019 Let the vakalatnama filed on behalf of the informant
be kept on the record.

Heard learned counsel for the petitioners and the



learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Srinagar P.S. Case No.13 of 2019 registered under Sections 147, 148, 149, 323, 324, 325, 307 and 379 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that 20 persons, named in the F.I.R., including the petitioners having three-nut, farsa, knife and lathi, in the night of 12/13.02.2019 entered into the house of the informant and surrounded the informant and his family members. Thereafter, on the order of Kamrul Hasan, Zamiruddin and Birbal Ram, catching the hair of the informant, took the informant to the door of the house, whereupon Kamrul Hasan shot fire through three nut, which passed over touching the head of the informant. Thereafter, Zamiruddin caused blood oozing injury on the head of the informant through farsa, whereas Birbal Ram and Amrej pressed the neck of the informant and Md. Aftab and Md. Jafiruddin caused fracture injury at the left hand of the informant. At that time, Sahrul (petitioner no.9) and Aslam (petitioner no.8) caused fracture injury at the left leg of the informant through iron rod.

Learned counsel for the petitioners submits that no



specific allegation is attributed to the petitioner nos.1 to 7 and 10, while the allegation against the petitioner nos.8 and 9 is to cause fracture injury at the left leg of the informant through iron rod.

Having considered the facts and the circumstances of the case, let the petitioner no.1, 2, 3, 4, 5, 6, 7 and 10, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Madhepura, in connection with Srinagar P.S. Case No.13 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner nos.8 and 9, namely, Md. Aslam and Md. Sahrul respectively, are concerned, considering the nature of allegation against them, I am not inclined to grant them the privilege of pre-arrest bail. Accordingly, their prayer for grant of privilege of pre-arrest bail stands rejected. However, the petitioner nos.8 and 9, namely, Md. Aslam and Md. Sahrul respectively, are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with



law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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