

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75041 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- JALALGARH District- Purnia

1. ARAFUL @ ASHRAFUL Son of Late Musha Resident of Village- Jangla Kol, P.S.- K. Nagar (Sri Nagar), O.P. District- Purnea.
2. Sadam Son of Mafizul Resident of Village- Jangla Kol, P.S.- K. Nagar (Sri Nagar), O.P. District- Purnea.
3. Nashim Son of Ikramul Resident of Village- Jangla Kol, P.S.- K. Nagar (Sri Nagar), O.P. District- Purnea.
4. Sakim @ Md. Sakim Son of Ikramul Resident of Village- Jangla Kol, P.S.- K. Nagar (Sri Nagar), O.P. District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-12-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Jalalgarh case no. 49 of 2019 registered for the offences punishable under Sections 307, 379 and other sections of Indian Penal Code and 27 of Arms Act.

The allegation is that while the informant and his relatives were harvesting the Maize crops, the named accused persons including the petitioners and 60-65 persons, variously armed, had assaulted the husband of the informant by different weapons as a result of which, he received injuries. It has been further alleged that Mahfuzul had assaulted Mohbur with farsa, due to which, he sustained injuries. The accused persons namely Shamsul Haque and



Ataur Rahman have been alleged to have fired resulting in firearm injuries to Md. Nizam Usuf.

The learned counsel for the petitioners submits that the present case is a counterblast to the occurrence, in which, one Ataur Rahman died and a case has been lodged by the accused Mahfuzul Hauq and for that, the present case has been lodged. The learned Sessions Judge has also stated in the impugned order that there was a fight between the parties and has also stated that on perusal of the case diary, no injury report was found nor any requisition of I.O. has been mentioned regarding injured being sent for treatment and as such, they have falsely been implicated in this case. It is further submitted that similarly situated co-accused persons have already been granted bail vide orders dated 16.09.2019 and 24.09.2019 passed in Cr. Misc. no. 58162 of 2019 and Cr. Misc. no. 59839 of 2019 respectively.

Having regard to the facts and circumstance of the case, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief judicial Magistrate, Purnea in connection with Jalalgarh case



no. 49 of 2019 subject to the conditions as laid down under Section
438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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