

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58162 of 2019

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

1. Mainul @ Maimum, Son of Khalid, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P District- Purnea
2. Emazul @ Aimzul, Son of Mainul @ Maimun, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
3. Shamim Akhatar, Son of Amzad Ali, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
4. Anarul, Son of Samsul, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
5. Shafique @ Safikul, Son of Mahfizul, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
6. Jakir @ Jafirul, Son of Khalid, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
7. Arfaz, Son of Khalid, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
8. Mukhatar @ Md Mukhatar, Son of Sajjad Ali, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
9. Abuzar @ Md. Abuzar, Son of Rejab Ali, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
10. Shamshul Haque @ Md. Shamsul, Son of Mainul, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
11. Anarul, Son of Late Musa, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
12. Ikramul, Son of Late Musa, Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
13. Helal Son of Khalid Resident of Village- Jangla Kol, P.S.- K Nagar (Sri Nagar) O.P., District- Purnea.
14. Shamim Son of Tafezul @ Shamsul Haque Resident of Village- Surha Dagra, P.S.- Jalalgarh, District- Purnea.
15. Md. Sirazul @ Md. Sirazul Haque, Son of Samsul @ Soon Mohammad, Resident of Village- Surha Dagra, P.S.Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA



ORAL ORDER

2 16-09-2019 This is an application for grant of anticipatory bail in connection with Jalalgarh P. S. Case No. 49 of 2019, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 427, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case 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 and assaulted her husband by different weapons as a result of which, he received injuries. Thereafter, there is allegation against Mahfuzul with *Farsa*, due to which, he sustained injuries. Further allegation against petitioner no.10 of firing and against petitioner no.4 of assaulting by Farsa. There are allegation of assault also, who are not the petitioners.

Submission of the learned counsel for the petitioners is that the present case is 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. is mentioned regarding



injured were sent for treatment and as such, they have falsely been implicated in this case.

Heard learned A.P.P. also.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Jalalgarh P. S. Case No. 49 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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