

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66474 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- THAKURGANJ District- Kishanganj

1. ASARU @ TAJEMUL Son of Mahmud Resident of Village - Dhulabari , P.S.- Thakurganj, Distt - Kishanganj.
2. Salauddin Son of Late Gyasuddin Resident of Village - Dhulabari , P.S.- Thakurganj, Distt - Kishanganj.
3. Saktar @ Saktar Alam Son of Md. Kasim @ Md. Anish Resident of Village - Dhulabari , P.S.- Thakurganj, Distt - Kishanganj.
4. Shamshad Alam @ Shamshad Son of Md. Anish @ Md. Kasim Resident of Village - Dhulabari , P.S.- Thakurganj, Distt - Kishanganj.
5. Imtiyaz Son of Tamizuddin @ Md. Tamizuddin Resident of Village - Fatingagachh, P.S.- Thakurganj, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha Mr. Diwakar Sinha
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 337, 338, 353, 295A, 307, 504 and 34 of the Indian Penal Code, registered in connection with Thakurganj P.S. Case No. 71 of 2019.

3. It is submitted that petitioners have been falsely implicated in an occurrence involving clash between the members of the Muslim community and Adivasis, the latter



having forcibly captured tea garden of the former. It is submitted that admittedly four persons received injuries by arrow. It is, therefore, submitted that such injuries are attributed to the assault by the Adivasis and not members of the Muslim community, who were not armed. It is further submitted that the FIR has been instituted against as many as 19 named accused persons, including the petitioners, and 1000 unknown and the basis of the petitioners' identification is doubtful. Petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in Thakurganj P.S. Case No. 71 of 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) That the petitioners shall remain physically present 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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