

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2293 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- MANIYARI District- Muzaffarpur

1. MD. SHAHID Son of Late Abdul Rajaque
 2. Md. Jahid Son of Late Abdul Rajaque
 3. Md. Mojahid Son of Md. Shahid
- All are Resident of Village-Baghi, Bishunpur, Madho, P.S.-Maniyari,
District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 17-06-2020 The matter has been taken up through video conferencing.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
147,148,149,341,323,324,307,379,506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

For land dispute, there is case and counter case.
Allegation against petitioners-Md. Shahid and Md. Jahid is of
firing from their respective Guns. Petitioner-Md. Mojahid
entered into the house of the informant and attempted to outrage



the modesty of the female members of the family. Thereafter, petitioner-Md. Jahid committed assault with iron rod causing injury at the head of the informant. Informant fell down. Thereafter, Md. Jahid assaulted with But of the pistol. Other allegations are against other accused person.

Learned counsel for the petitioner submits that informant died during course of treatment and the postmortem report would reveal that there was no firearm injury on the person of the deceased and allegation of commission of assault with iron rod is against petitioner-Md. Jahid only.

Mr. Vipin Kumar, learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the nature of allegation against petitioner No.2-Md.Jahid which is corroborated by the medical evidence, I am not inclined to enlarge him on anticipatory bail in connection with Maniyari P.S.Case No.224 of 2019 pending in the court of learned J.M. 1st Class, Muzaffarpur. Hence, prayer is refused.

Since allegation against petitioner Nos.1 and 3, namely, Md. Shahid and Md. Mojahid appears to be ornamental one due to land dispute for the purpose of consideration of this prayer for anticipatory bail, hence, let the petitioners, above



named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Maniyari P.S.Case No.224 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation/trial of the case and also the petitioners shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

Accordingly, this application stands disposed off.

(Birendra Kumar, J)

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