

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7580 of 2020

Arising Out of PS. Case No.-61 Year-2019 Thana- RATANPUR District- Supaul

1. MD. NOOR SALAM @ NOOR SALAM Son of Md. Farmuddin Resident of Village - Narpat Patti, Ward No. 8, P.S.- Ratanpura, District - Supaul.
2. Ali Hussain @ Ali Hasan Son of Md. Farmuddin Resident of Village - Narpat Patti, Ward No. 8, P.S.- Ratanpura, District - Supaul.
3. Gulzar @ Md. Gulzar Son of Md. Mustaque @ Md. Mustafa Resident of Village - Narpat Patti, Ward No. 8, P.S.- Ratanpura, District - Supaul.
4. Md. Sabbir Son of Md. Farmudin Resident of Village - Narpat Patti, Ward No. 8, P.S.- Ratanpura, District - Supaul.
5. Md. Farmuddin @ Farmuddin Son of Late Jaan Muhammad Resident of Village - Narpat Patti, Ward No. 8, P.S.- Ratanpura, District - Supaul.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners apprehend arrest in Ratanpura PS Case No. 61 of 2019 registered under Sections 307, 379, 341, 323, 324, 325, 504, 506 and 34 of the IPC.

The prosecution story alleges that the petitioners had taken total loan of Rs. 59,000/- from the informant and in order to scuttle the demand for the same by the informant, he along with his family members has indulged in assault. The assault is alleged against all the family members of the informant who were present.

Learned Counsel for the petitioners submits that the



specific assault attributed to petitioner Nos. 3 and 4, by means of rod and dabia, have been found to be simple in nature. It is further submitted that petitioner Nos. 3 and 5 have allegedly assaulted Murtaza. He is only found to have suffered one grievous injury on his arm. It is submitted that the petitioners are illiterate and the occurrence has occurred at the spur of the moment. There was a free fight between the petitioners and the prosecution side, who are gotias. The petitioners bear no criminal antecedent.

Learned APP has opposed the prayer for anticipatory bail.

Considering the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Birpur, Supaul in Ratanpura PS Case No. 61 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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