

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.6684 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- RAMNAGAR District- West Champaran

1. NAIMULLAH KHAN @ MOHAMMAD NAIMULLAH KHAN Son of Late Fateh Khan
2. Shamsheer @ Shamsheer Alam, Son of Sheikh Sukhal
Both Residents of Village - Ghos Tola, Badgo, P.S.- Ramnagar, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER (The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 02-07-2020 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 337, 338, 307, 353, 379, 447, 290 of the Indian Penal Code.

Informant who is a Police Officer has alleged that on 06.04.2019 at about 10:15 a.m., after receiving an information that an accident in between a truck and a Magic Auto took place and several persons lost their lives and several persons sustained injuries, he reached at the said place and started rescue



operation but in the meantime, 40-50 unsocial elements arrived there and started creating disturbance by damaging government vehicles and also assaulted Media and police and blocked the road. Thereafter, member of unlawful assembly started throwing brick bat as a result of which vehicles were destroyed badly and driver of police jeep namely, Vinod Singh was also assaulted by accused persons.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due to dirty village politics. Petitioners are not named in the FIR. It is further submitted that petitioners were not involved in the alleged occurrence and they have not done anything with intent to prevent or deter the police force from discharging their official duty. It is further submitted that FIR named co-accused Hafzur Rahman has already been granted anticipatory bail by a co-ordinate Bench of this Court as contained in Annexure 2. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail



bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Ramnagar P.S. Case No.60 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

