

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6878 of 2020

Arising Out of PS. Case No.-110 Year-2017 Thana- KHODAWANDPUR District- Begusarai

1. MD. ALI HASSAN Son of Md. Sayeed Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
2. Md. Gulam Sarbar Son of Late Md. Hanif Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
3. Md. Qamar @ Amar Ali @ Anwar Ali Son of Ali Hasan Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
4. Md. Bablu @ Md. Ashraf Son of Ali Hassan Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
5. Md. Wahauddin Son of Md. Sayeed Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
6. Md. Samim Son of Daud Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
7. Md. Anwar Son of Md. Daud Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
8. Md. Ali Akbar Son of Md. Hussain @ Mogal Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.
9. Md. Umar Son of Md. Ali Hassan Resident of Village - Sirsi, P.S.- Khodabandpur, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 21-08-2020 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 petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Khodawandpur PS Case No. 110 of 2017 registered under Sections 147, 148, 341, 323, 448, 427 and 379 of the IPC.

The instant petitioners are amongst 13 named persons besides some unknown persons who have also been made accused alleging that when the informant was at medicine shop, accused persons came armed and started assaulting him along with his three sons. It is alleged that they have been chased up to their house by the petitioners.

Learned Counsel for the petitioners submits that there is a case and counter case. The case against the informant side is bearing Khodawandpur PS Case No. 111 of 2017. It is submitted that the statement of the witnesses recorded in the case diary makes it abundantly clear that based on past enmity scuffle had ensued between the parties. Both parties have sustained injuries. Petitioner Nos. 3 to 9 have no criminal antecedent.

The prayer in respect of petitioner Nos. 1 and 2 has earlier been withdrawn.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner Nos. 3 to 9.

Accordingly, let the petitioner Nos. 3 to 9, 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 ACJM Bakhari, Begusarai in Khodawandpur PS Case No. 110 of 2017 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 petitioner 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 petitioner 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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