

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9642 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- BHARGAMA District- Araria

1. Md. Istfarul, Male, aged about 24 years, S/o Md. Hasib, R/o village- Akarthapa, P.S.- Bhargama, District- Araria
2. Md. Mustakim @ Md. Mostkim, Male, aged about 23 years, S/o Md. Kamil, R/o village- Akarthapa, P.S.- Bhargama, District- Araria
3. Md. Niyaj, Male, aged about 20 years, S/o Md. Akram @ Aikram, R/o village- Akarthapa, P.S.- Bhargama, District- Araria
4. Md. Jabarul, Male, aged about 21 years, S/o Md. Hasib, R/o village- Akarthapa, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-06-2020 Heard both sides through video conferencing.

The petitioners seek bail in Bhargama P.S. Case No.224 of 2019, registered under Sections 147, 148, 149, 341, 342, 323, 324, 354(B), 307, 447, 448 and 504 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added after the death of the father of the informant.

The informant, Md. Sajid named 24 persons and alleged that all 24 persons and many others unknown persons having armed with different weapons were chasing the villagers of Dharapatti. On the order of Md. Yasin, Mangan shot arrow



which hit on the armpit of the father of the informant. Avid also shot arrow which hit on the leg of Masudan. It is alleged that the accused persons entered into the house of the informant and others and looted away different articles after assaulting them.

Learned counsel for the petitioners submits that the petitioners are not named in the FIR. There is specific allegation against Mangan who on the order of Md. Yasin shot arrow which hit on the armpit of the father of the informant and Avid also shot arrow which hit on the leg of Masudan. No specific allegation of assault is made against the petitioners. During the course of investigation, the informant and others also named the petitioners but no specific allegation of assault is made.

The learned Additional P.P. however, opposed the prayer for bail.

It appears that the petitioners are not named in the FIR. During the course of investigation, the name of the petitioners figured in the case but no specific allegation of assault is made. There is specific allegation that on the order of Md. Yasin, Mangan shot arrow which hit on the armpit of the father of the informant and father of the informant died. Avid also shot arrow which hit Masudan in his leg.

Considering the facts aforesaid, the petitioners, above



named, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria in connection with Bhargama P.S. Case No.224 of 2019.

(Prabhat Kumar Jha, J)

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