

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13666 of 2020

Arising Out of PS. Case No.-584 Year-2019 Thana- PURNEA SADAR District- Purnia

1. MD. NAIMUDDIN @ NAIMUDIN @ NAIMUDDIN Son of Mofijuddin @ Mofij Resident of - Chimni Bazar, P.S.- Purnea Sadar, District- Purnea
2. Md. Mojibur @ Mojibur Rahman Son of Sajjad Ali @ Md. Sajjad Ali Resident of - Chimni Bazar, P.S.- Purnea Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

0 25-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

By order dated 19-03-2020, this petition with regard to petitioner No. 2 has already been dismissed as withdrawn. Hence, counsel for the petitioners confines his submission with regard to petitioner No. 1 only.

Heard learned counsel for the petitioner No. 1 and learned APP for the State.

The petitioner No. 1 is apprehending his arrest in a case registered under Sections 341, 323, 324, 307, 386, 379 and 34 of



the Indian Penal Code.

Allegedly, one mobile with The nature of injury is said to be simple. No. 6200440019 was stolen away by unknown thief. Then said mobile was recovered from Md. Asfaque and a fine of Rs. 22500/- was imposed upon him. FIR named accused persons conspiring each other, started distributing the amount among themselves. While the informant and his brother were going from Panchayati, the informant was assaulted by the accused persons.

It has been submitted on behalf of the petitioner No. 1 that the petitioner No. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. There is no allegation of assault against the petitioner No. 1 nor any injury is caused by him. So far allegation of Section 379 of the Indian Penal Code is concerned, the same is superficial in nature.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner No. 1, above named, in the event of arrest or surrender before the learned court below



within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Purnea Sadar P.S. Case No. 584 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 1 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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