

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13847 of 2020

Arising Out of PS. Case No.-423 Year-2019 Thana- KESARIA District- East Champaran

1. MD. HELAL S/o Md. Jahangir R/o village- Baradih, Bairiya, P.S.- Kesariya, District- East Champaran
2. Md. Ojair S/o Late Ayub @ Md. Ayub R/o village- Baradih, Bairiya, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2020 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.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Sections 341, 323, 324, 307, and 354B/34 of the
Indian Penal Code.

Allegedly, while the informant was crossing Al Bilal
mosque, the FIR accused persons including these petitioners
having different weapons in their hands, surrounded and abused



him. On protest, the informant was assaulted, as a result of which, bleeding injury was caused to him. It is also alleged that the accused persons tried to outrage modesty of informant's mother.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. Both parties are agnates. Free fight is alleged to have taken place between the parties. There is case and counter case between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, 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 their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-III, Motihari, East Champaran in connection with Keshariya P.S. Case No. 423 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 petitioners 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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