

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13765 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- HASANGANJ District- Katihar

1. AKHTAR ALAM @ MD. AKHTAR ALAM Son of Abdul Samed Resident of Village - Harkhapokhar, P.S.- Hasanganj, District- Katihar
2. Mobarak Hussain @ Mubarak Hussain Son of Abdul Samed Resident of Village - Harkhapokhar, P.S.- Hasanganj, District- Katihar
3. Bul Mahajan @ Bulmajan Son of Late Karibullah Resident of Village - Harkhapokhar, P.S.- Hasanganj, District- Katihar
4. Jiyaul Haque @ Md. Jiyaul @ Jayakal Haque Son of Md. Alam Resident of Village - Harkhapokhar, P.S.- Hasanganj, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-07-2020 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 initially registered under Sections 341, 323, 324, 307, and 504/34 of the Indian Penal Code and later on, after 12 days of occurrence, 302 of the Indian Penal Code was also added.



Prosecution case in short is that nephew of the informant came running to his door weepingly. It is alleged that the accused persons having armed with lathi, sword and spear entered his house and started abusing and surrounding the informant. Allegedly, Abdus Samed assaulted one Sahrab Ali on his head with sword. The other accused assaulted other members of prosecution side, as a result of which, several members of prosecution received injuries.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The petitioner No. 2 is alleged to have caused injury on the arm of the deceased. There is no allegation of assault against rest of the petitioners. Initially, the case was instituted under Section 307 and other allied Sections of the Indian Penal Code. In course of treatment, after 12 days of the occurrence, the injured, Sohrab Ali succumbed to the injury and hence, by order dated 01-02-2020, Section 302 of the Indian Penal Code was also added. From perusal of the postmortem report (Annexure-2), it is apparent that the cause of death could not be ascertained. Hence, the injury caused upon the deceased is not the cause of death.



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 Sri Jay Sree Kumari, learned Judicial Magistrate-Ist Class, Katihar in connection with Hasanganj P.S. Case No. 88 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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