

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17120 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- KHANPURA District- Samastipur

1. MD. SAUKAT @ SAUKAT S/o Md. Farjan Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
2. Md. Samsher @ Samsher @ Md. Samsed S/o Md. Farjan Resident of
Village- Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
3. Md. Farjan @ Farjan S/o Late Md. Suleman Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
4. Md. Jamsher @ Jamser S/o Md. Farjan Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
5. Md. Wahrul @ Wahrul S/o Md. Akhtar Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
6. Md. Masum @ Masum S/o Md. Akhtar Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
7. Md. Akhtar @ Md. Akhar S/o Late Md. Suleman Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.
8. Wahida Khatoon @ Auhida Khatoon W/o Md. Akhtar Resident of Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-11-2020 The present petition has been taken up for
consideration through the mode of Video Conferencing in view
of the prevailing situation on account of COVID-19 Pandemic.

At the outset, the learned counsel for the petitioners
seek to withdraw the present petition *qua* the petitioner no. 7 in
order to enable him to surrender before the learned court below



and seek regular bail. Accordingly, the present petition *qua* the petitioner no. 7 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and Sri Kumar Veerendra Narayan, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Khanpur PS case no. 128 of 2019 registered for the offences punishable under Sections 307, 302 and other allied sections of Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having assaulted the members of the prosecution party after the accused persons including the petitioners herein, variously armed, had arrived at the house of the informant and had attacked the informant and her family members, resulting in death of the father-in-law of the informant namely Rajak Mian. It is further alleged that the accused Mokhtar and Ladla has assaulted Rajak Mian i.e. the father-in-law of the informant by means of *lathi* and *farsa*, resulting in him sustaining grievous injuries, which resulted in his death. The co-accused Taiyab is stated to have assaulted Shahjahan Khatoon by means of electric pipe. The co-accused Akhtar had assaulted Aujmena Khatoon resulting in her receiving cut injuries on her right hand. As far as the co-accused persons namely



Ubhia Khatoon and Mumtaz are concerned, they are also stated to have assaulted Aujmena Khatoon.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that as far as petitioners no. 1 to 6 and 8 are concerned, a general and omnibus allegation has been levelled against them and infact, they are not alleged to have assaulted the deceased Rajak Mian, hence benefit of doubt can be granted to them for the purposes of admitting them to the privilege of anticipatory bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary in question. This Court finds that as far as petitioners no. 1 to 6 and 8 are concerned, there is no specific allegation of assault as against them and general and omnibus allegation has been levelled and moreover, they are not only having a clean antecedent but they have also not been alleged to have assaulted the deceased Rajak Mian, as such I deem it fit and appropriate to admit the petitioners no. 1 to 6 and 8 to the privilege of anticipatory bail. Accordingly, petitioners no. 1 to 6 and 8, in the event of their arrest or surrender before the court below within a



period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Samastipur in connection with Khanpur PS case no. 128 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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