

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19563 of 2020

Arising Out of Kesariya P.S. Case No- 433 Year- 2019, District- East Champaran

-
-
1. MD. TARIQUE, (male) aged about 26 years, S/o- Md. Motiur Rahman
 2. IRSHAD HUSSAIN @ MD. IRSHAD (male), aged about 65, S/o- Lt. Chulahi
 3. MD. MUSTAQUE, (male) aged about 60 years S/o- Lt. Chulahi
 4. MD. TABREJ ALAM @ MD. TABREZ (male), aged about 28 years, S/o- Irshad Hussain
- All are R/o village- Baradih Bairiya, P.S.- Kesariya, District- East Champaran

... .. Petitioners

Versus

1. The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Asif Kalim, Advocate
	:	Mr.Wasi Akhter
For the Opposite Party	:	Mr.Manoj Kumar, APP
	:	Mr.Nafisuzzoha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 2 17-08-2020 Heard Mr. Asif Kalim, learned counsel appearing on behalf of the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Kesariya P.S. Case No. 433 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307 and 34 of the Indian Penal Code.

The occurrence is said to have taken place on 16.08.2019. Allegedly, co-accused Md. Naimuddin and Md.



Motiur Rahman had intercepted the informant and enquired about his application filed before the Circle Officer for removal of hut from a piece of land. There is allegation that on having been asked by Md. Naimuddin and Md. Motiur Rahman, the petitioners assaulted him. It is the case of the petitioners on the other hand that much before lodging of the present case, an F.I.R. was got registered by petitioner no. 1 giving rise to Kesariya P.S. Case No. 423 of 2019, lodging of the present case is an afterthought, which is counter version of the earlier case.

Be that as it may, considering the circumstance that there is no specific allegation against these petitioners of having assaulted in a manner, which can be said to have caused grievous injury, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. III, Motihari at East Champaran in connection with Kesariya P.S. Case No. 433 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.



Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

