

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20255 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- AAJAM NAGAR District- Katihar

1. RAMJAN @ RAMJAN ALI Son of Md. Mojammil @ Md. Mujjammil Resident of Village - Jitwarpur, Gorakhpur, P.S. - Azamnagar (O.P. Salmari), District - Katihar.
2. Md. Saheb @ Saheb Son of Md. Mojammil @ Md. Mujjammil Resident of Village - Jitwarpur, Gorakhpur, P.S. - Azamnagar (O.P. Salmari), District - Katihar.
3. Md. Akbar @ Akbar Ali @ Akbar Son of Md. MOjammil @ Md. Mujjammil Resident of Village - Jitwarpur, Gorakhpur, P.S. - Azamnagar (O.P. Salmari), District - Katihar.
4. Md. Ismail @ Laden Alam Son of Md. Mojammil @ Md. Mujjammil Resident of Village - Jitwarpur, Gorakhpur, P.S. - Azamnagar (O.P. Salmari), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Adv.
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2020 Since initially it is submitted that petitioner no.1, Ramjan @ Ramjan Ali has been arrested, hence, this application so far as it relates to petitioner no.1, stands dismissed as having become infructuous.

The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defect.



Learned counsel for the petitioners undertakes to remove the defect within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect within the undertaken period, the office will place the matter before the bench.

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

Petitioner no. 2 to 4 are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Afak submitted before the S.H.O., Salbhari (O.P) is to the effect that on 22.01.2020 at 5.00 P.M. , the informant came to know from his co-villager that his son Md. Perwez has been assaulted by his in-laws people, when the informant went to see his son, then he came to know that when his son had asked his wife to go to her parental house as she went to her parents house on her own, all the accused persons, including the petitioners, assaulted the son of the informant. It is alleged that co-accused, Mujjamil assaulted with an iron rod on the head of the son of the informant, when he fell down other co-accused assaulted him



with lathi and fists. It is further alleged that petitioner no.1, Ramjaan away Rs.5000/- from the pocket of the son of the informant whereas petitioner no.3, Akbar snatched a gold chain from the neck of the informant's son.

It is submitted by learned counsel for the petitioners that the petitioners are brother-in-law (sala) of the son of the informant and the specific accusation of assault is against co-accused, Mujjamil. Moreover, the informant's son has received only one injury, which is alleged to have been caused by co-accused, Mujjamil and the accusation of snatching gold chain and cash amount of Rs.5000/- is cosmetic in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR.

Considering the specific accusation of assault against co-accused, Mujjamil and the genesis of the occurrence being domestic dispute coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let petitioner nos. 2 to 4 above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before



the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned CJM, Katihar, in connection with Azamnagar P.S. Case No. 18 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner nos. 2 to 4 which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of petitioner nos. 2 to 4 will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Katihar, in connection with Azamnagar P.S. Case No. 18 of 2020.

The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three



months.

Accordingly, the present application stands disposed
of.

(Dinesh Kumar Singh, J)

Ashwini/-

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

