

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18114 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- JOKIHAT District- Araria

1. AZHAR @ MD. AZHAR ANSARI @ MD. AZHAR HUSSAIN Son of Suleman Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
2. Shah Hussain @ Md. Shah Hussain Son of Azhar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
3. Ata Hussain @ Md. Ata Hussain Son of Azhar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
4. Ali Hasan @ Alihassan Son of Azhar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
5. Bibi Fargana @ Bibi Farhana Wife of Shah Hussain Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
6. Shahbaz Son of Late Mazhar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
7. Kari Son of Late Mazhar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
8. Athar @ Md. Athar Hussain Son of Late Suleman Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
9. Asgar @ Md. Ashgar Son of Azhar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
10. Anwar Son of Athar Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
11. Minhaz @ Minhaj Son of Late Soeb Resident of Village- Kashibari, P.S.- Jokihat, District- Araria.
12. Ahad @ Adad Son of Bahrul Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.
13. Wajid Son of Ahad Resident of Village- Bagmara, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr.Nityanand Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2020

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 registered under Sections 147, 148, 149, 341, 323, 324, 307, 447, 427, 504, 506 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners and others armed with deadly weapons started assaulting the informant. The petitioner Azhar inflicted sword blow upon Nasim and petitioner Shah Hussain inflicted knife blow to Kasim and petitioner Shahbaz assaulted Kaushar by means of farsa and petitioner Ali Hussain entered into the house of the informant and assaulted Al Noor Saba and Kaushar, due to which they sustained injuries.

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 falsely been implicated in the present case. Free fight is alleged to have taken place for a petty reason. The injuries on the side of the accused persons have 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 F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of Chief Judicial Magistrate, Araria in connection with Jokihat P.S. case No.182 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 will 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)

Narendra/-

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