

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21286 of 2020

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1. Md. Mumtaz Ahmad, S/o Late Jalil Ahmad
 2. Md. Farman, S/o Md. Mumtaz Ahmad
 3. Md. Arman, S/o Md. Mumtaz Ahmad
 4. Md. Vicky, son of

All are resident of Mohalla-Hazi Colony, Mithanpura, P.S.-
Mithanpura, District-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioners : Mr. Sarvan Kumar, Advocate

For the Respondent State: Mr. Shailendra Kumar-1, APP

For the Informant : Mr. Ganesh Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-07-2020 Heard Mr. Sarvan Kumar, learned counsel appearing on behalf of the petitioner, Mr. Shailendra Kumar-1, learned Additional Public Prosecutor, for the State of Bihar and Mr. Ganesh Prasad Singh, learned counsel representing the informant.

This application for grant of anticipatory bail arises out of Mithanpura P.S. Case No. 271 of 2019, registered for the offence punishable under Sections 341, 323, 354(B), 325, 379 and 504/34 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused persons were seen by the informant abusing a lady neighbour of the informant. When the informant interceded, allegedly, all of



them started assaulting him also. It is alleged against the petitioner No.1 that he assaulted the informant with iron rod in the informant's head.

Learned counsel appearing on behalf of the petitioners has submitted that in relation to the same occurrence, a complaint case has been filed by the wife of petitioner No.1.

It is evident from the First Information Report that the persons named therein belong to the same family. For the occurrence, which had allegedly taken place on 21.11.2019, the First Information Report came to be registered on 02.12.2019, on the basis of *fard beyan* of the informant recorded by the police on 25.11.2019, prior to which the complaint case was filed.

Be that as it may, considering the nature of accusation and the genesis of occurrence, case for grant of anticipatory bail is made out.

This application is accordingly 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) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. East, Muzaffarpur, in Mithanpura P.S. Case No. 271 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 removed within two months.

Since there is a lock down, 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)

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