

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19942 of 2020

Arising Out of PS. Case No.-219 Year-2016 Thana- JOKIHAT District- Araria

1. MD. MUNNA @ ISHTIYAQUE @ MUNNA Son of Late Ibrahim Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
2. Sufian @ Abu Sufiyan Son of Late Israil Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
3. Wadood @ Wadood Alam Son of Habib Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
4. Sawood @ Md. Sawood Son of Hasib Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
5. Hasib Son of Late Gafur Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
6. Islam Son of Late Gafur Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
7. Yasin Son of Late Gafur Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
8. Waris Son of Habib Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
9. Bibi Qudrati @ Qudrati W/o Md. Munna Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.
10. Jamshed Son of Islam Resident of Village - Ghormara, P.S.- Mahalgaon, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2020 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.



Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the Stamp Reporter within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

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

The petitioners are apprehending their arrest in a case registered under Sections 448, 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

Allegedly, in the backdrop of trivial issue, an altercation took place between the parties. It is further alleged that the accused persons having armed with lathi, farsa, rod and country made pistol came and assaulted the informant, his son and daughter. It is also alleged that the accused took out box from the house of the informant.

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 been falsely implicated in the present case. The police after investigation, submitted final form against the accused persons. There is case and counter case between the parties. The injury and the death 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 Complaint Case/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 or 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 learned Chief Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 228 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 shall 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)

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