

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23575 of 2020**

Arising Out of PS. Case No.-26 Year-2020 Thana- JAMUI District- Jamui

MD. MISTER, Son of Shakil, Resident of Village- Amin, P.S.- Jamui,
District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Ms. Reena Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 15-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Reena Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Jamui P.S. Case No. 26 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 447, 307, 448 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report the husband of the informant and his elder brother were assaulted by the nine accused persons named in the F.I.R. The alleged assault had taken place because



of a dispute among the children.

Learned counsel submits that it is a case of false and over implication and the allegations are general and omnibus. No specific weapon has been attributed to the petitioner and similarly situated accused have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 23207 of 2020.

Ms. Reena Sinha, learned A.P.P. for the State has submitted that she has gone through the order passed by learned co-ordinate Bench of this Court in Cr. Misc. No. 23207 of 2020. Learned A.P.P. has also accepted to the extent that so far as the allegations against the petitioner is concerned, it is general and omnibus allegation though she has stated that in the assault the husband of the informant and his elder brother have been injured. It is not denied that this petitioner has not been attributed any particular weapon in his hand.

Having regard to the facts and circumstances of the case and on noticing that there are altogether nine accused persons in the F.I.R. and the general and omnibus allegation is that they had come lashed with Tangi, Bhujali, lathi-Danda and had assaulted the husband of the informant and his elder brother causing injuries to them but there is no specific allegation of



commission of overt act against this petitioner, moreover three named accused have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court and no distinction has been drawn between the case of those three petitioners and the present petitioner, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 26 of 2020 (G.R. No. 92 of 2020), subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

