

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22054 of 2020

Arising Out of PS. Case No.-584 Year-2019 Thana- PURNEA SADAR District- Purnia

MD. MOJIBUR @ MOJIBUR RAHMAN Son of Sajjad Ali Resident of
Village - Kanwoh Bazar, P.S.- Sadar, Distt.- Purnea.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Ms. Kumari Ritambhara, Advocate.
For the State	:	Mr. Shyameshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 07-08-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the office, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard Ms. Kumari Ritambhara, learned counsel appearing for the petitioner, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Purnea Sadar P.S. Case No.584 of 2019 registered under Sections 341, 323, 324, 307, 386 and 379/34 of the Indian Penal Code.

The accusation is that the stolen mobile of the informant Abdur Rahim was recovered from the possession of Md. Ashfaq.



Thereafter, Panchayati was arranged in the evening of 14.11.2019. in which six persons, named in the F.I.R., including the petitioner also participated. In the Panchayat, decision was taken for imposing the fine of Rs.22,500/- on Md. Ashfaque but the members of the Panchayat started to distribute the said amount among them. Thereafter, when the informant Abdur Rahim started to proceed from there along with his brother Shamim Akhtar, then all the F.I.R. named accused including the petitioner forcibly started to stop the informant and his brother Shamim Akhtar and, on protest, they caused assault to them through knife, iron rod and lathi, in which Shamim Akhtar, the brother of the informant, sustained injury on his head and chest and became unconscious. At that time, Mahtab Ali snatched cash Rs.30,000/- from Shamim Akhtar, the brother of the informant, and Md. Naimuddin snatched the wrist watch from the hand of the informant. Thereafter, the informant and his brother Shamim Akhtar were rushed to Sadar Hospital with the help of villagers and on seeing the serious condition of Shamim Akhtar, he was referred to Patna from there.

Learned counsel appearing on behalf of the petitioner submits that while the petitioner is named in the F.I.R. along with five others but no specific overt act is attributed to him as there is general allegation of causing assault to the informant and his brother Shamim Akhtar against the six F.I.R. named accused including the petitioner. Further submission is that the allegation of snatching cash



Rs.30000/- from the brother of the informant is against Mahtab Ali whereas the allegation of snatching the wrist watch from the hand of the informant is against Naimuddin. More so, the injury, as found on the person of Shamim Akhtar, the brother of the informant, is simple in nature, which would appear from perusal of the order dated 19.05.2020 passed in B.P. No.258 of 2020 (C.I.S. No.258 of 2020), whereby the prayer of the petitioner for grant of bail was rejected by the Sessions Judge, Purnea. The petitioner has no criminal antecedent and is in custody since 04.03.2020.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Sadar P.S. Case No.584 of 2019.

(Rajendra Kumar Mishra, J)

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