

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21548 of 2020

Arising Out of P.S. Case No.-181 Year-2019 Thana-Ishakchak District-Bhagalpur

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1. Md. Aurangzeb
 2. Md. Munna @ Md. Shahbaz @ Shahbaz Ali
 3. Md. Zulfukar Ali @ Md. Zulfikar Ali @ Bablu,
All sons of Md. Ahhad @ Ali Ahmad
 4. Md. Banti, son of Md. Hasnu
All resident of Mohalla Barahampur, Uttar Tola, P.S. Ishakchak, District
Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Najmul Hodda
For the Opposite Party : Mr. Shyam Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Ishakchak P.S. Case No. 181 of 2019, disclosing the offence punishable under Sections 147, 148, 149, 504, 506, 427, 324 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

It is evident from the FIR that there has been long standing enmity between the families of the informant and the persons named in the FIR over passage of drainage water. It is



alleged in the FIR that an occurrence had earlier taken place at 3.00 p.m. on 19.11.2019 in which the informant's nephew and co-accused Javed had quarreled. A written report in respect of the said quarrel was handed over to SHO, Ishakchak Police Station on the same day. On the same day, at about 8.00 p.m. all the persons named in the FIR, armed with weapons, came to the informant's house. They abused the informant and hurled a bomb, leading to the gate of the informant and his daughter being damaged. It is alleged that co-accused Pintu also hurled a bomb.

Learned counsel appearing on behalf of the petitioners has argued that Ishakchak P.S. Case No. 181 of 2019 has been registered by the wife of co-accused Zulfikar making out offence under Section 354-B of the Indian Penal Code. He has argued that no person has received any injury caused by any explosive substance.

On perusal of the First Information Report, I find substance in submission made on behalf of the petitioners, and, in my opinion, a 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Ishakchak P.S. Case No. 181 of 2019, subject to the condition 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 also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, 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)

Rajesh/-

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