

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22265 of 2020**

Arising Out of PS. Case No.-890 Year-2019 Thana- MADHEPURA District- Madhepura

MD. SHABBIR ALAM @ MD. SHABBIR, S/o Md. Sahid, Resident of  
Village- Bhirkhi, Ward No.26, Madhrpura, P.S. and Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      24-08-2020                      The matter has been taken up through virtual Court proceeding.

Since the Court is not functional in physical mode due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within a period of four weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

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

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable



under Sections 341, 324, 307, 333, 353 and 337/34 of the Indian Penal Code.

The prosecution case as per the self statement of Prashant Kumar, Inspector of Police-cum-S.H.O., Madhepura Police Station recorded on 16.10.2019 is to the effect that on 16.10.2019, at 1.10 A.M, the informant went to arrest co-accused, Md Nazir and his own brother, Md. Sabbir Aalam and Md. Laltu in connection with Madhepura P.S. Case No. 889 of 2019. In the meantime, family members of Md. Nazeer namely Md. Laltu, Rukhsar Khatoon, Ameenaa Khatoon, Md. Shaheed, Md. Raur started pelting stones. It is specifically alleged that Md. Laltu assaulted with sharp cutting weapon to a constable causing injury on his head, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the accusation of assault is not specific against the petitioner. Moreover, the accusation of assault is omnibus and general and the petitioner was not apprehended from the spot. Similarly situated co-accused, Md. Nazir has been granted bail by a Co-ordinate bench of this Court vide order dated 29.02.2020 passed in Criminal Miscellaneous No. 13631 of 2020. The petitioner is languishing in custody since 27.02.2020 and the investigation



has already been concluded. Though the petitioner is accused in seven other cases, but in six out of seven, he has been granted bail, but there is no statement to that effect in the petition.

Learned APP for the State submits that the petitioner is named in the FIR to have pelted stones on the police party when they went to arrest the petitioner and other accused persons in connection with Madhepura P.S. Case No. 889 of 2019.

Considering the fact that the accusation being omnibus and general against the petitioner, co-accused, Md. Nazir has already been granted bail by a co-ordinate bench of this Court and the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Madhepura, in connection with Madhepura P.S. Case No. 890 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Madhepura, in connection with Madhepura P.S. Case No. 890 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

According, the present application stands disposed of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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