

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23826 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- RANIGANJ District- Araria

1. Md. Mushan, S/o Late Jumrati, Resident of Village- Dhobinia Tikkar, Bishanpur, P.S.- Raniganj, Distt- Araria.
2. Md. Ghushan @ Dhashan, Son of Late Jumrati, Resident of Village- Dhobinia Tikkar, Bishanpur, P.S.- Raniganj, Distt- Araria.
3. Bibi Fatma, W/o Md. Ghushan @ Dhashan, Resident of Village- Dhobinia Tikkar, Bishanpur, P.S.- Raniganj, Distt- Araria.
4. Ali Sher @ Md Ali Sher, S/o Md. Ghushan @ Dhashan, Resident of Village- Dhobinia Tikkar, Bishanpur, P.S.- Raniganj, Distt- Araria.
5. Bibi Shahida, W/o Md. Bechan, Resident of Village- Dhobinia Tikkar, Bishanpur, P.S.- Raniganj, Distt- Araria.
6. Md Laddu @ Akram, S/o Md Bechan, Resident of Village- Dhobinia Tikkar, Bishanpur, P.S.- Raniganj, Distt- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate
For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the



learned APP for the State.

The petitioners are apprehending their arrest in connection with Raniganj P.S. Case No.356 of 2019 registered for the offence punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The FIR alleges indiscriminate assault by various means by all the accused persons, including the petitioners.

It is submitted by the petitioners' counsel that the case is based on subsisting land dispute between the parties. Co-accused Md. Bechan has filed Raniganj P.S. Case No.357 of 2019 against the prosecution party in relation to the same occurrence. Petitioners bear no criminal antecedents and the allegation of specific assault is attributed to Md. Majloom and Md. Samsher, apart from petitioner No.1 (Md. Mushan of the instant case). There is no specific allegation of assault against Petitioner Nos. 2 to 6, namely, Md. Ghushan @ Dhashan, Bibi Fatma, Ali Sher @ Md. Ali Sher, Bibi Shahida and Md. Laddu @ Akram, respectively.

Learned APP has opposed the prayer for pre-arrest bail. It is submitted that the assault attributed against petitioner No.1 has been found in the injury report and corroborates the entire allegation.



Considering the rival submissions, the prayer for anticipatory bail on behalf of Petitioner No.1,namely, Md. Mushan, stands rejected.

So far as Petitioner Nos. 2, 3, 4, 5 and 6, namely, Md. Ghushan @ Dhashan, Bibi Fatma, Ali Sher @ Md. Ali Sher, Bibi Shahida and Md. Laddu @ Akram, respectively, are concerned, their prayer for anticipatory bail stands allowed.

Accordingly, let Petitioner Nos. 2, 3, 4, 5 and 6, namely, Md. Ghushan @ Dhashan, Bibi Fatma, Ali Sher @ Md. Ali Sher, Bibi Shahida and Md. Laddu @ Akram, respectively, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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, Araria, in connection with Raniganj P.S. Case No.356 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any



change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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