

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25371 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- PURNEA SADAR District- Purnea

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1. Parwez Alam @ Md. Parwez Alam (male), aged about 45 years, son of Late Sirajuddin.
 2. Naiyar Alam @ Md. Naiyar Alam @ Naiyar @ Bazwa (male), aged about 43 years, son of Md. Serajuddin.
 3. Kaishar Raza @ Md. Quaisar Raza (male), aged about 20 years, son of Parwez Alam @ Md. Parwez Alam.
 4. Arsad @ Md. Arshad Alam @ Md. Arshad (male), aged about 39 years, son of Late Abbas.
 5. Abdul Badud @ Md. Badud (male), aged about 32 years, son of Md. Mokim.
 6. Asia Khatoon @ Asia @ Bibi Asia Khatoon (female), aged about 50 years, son of Md. Mokim.
 7. Afsari @ Fultuniya @ Bibi Fultuniya @ Bibi Afsari (female), aged about 31 years, wife of Parwez Alam @ Md. Parwez Alam

All residents of village-Mahendrapur, Ward No. 2, P.S. Purnea Muffasil, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S B K Manglam, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP
For the Informant	:	Mr. Pawan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. S B K Manglam, learned counsel for the



petitioners; Mr. Surendra Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Pawan Kumar Singh, learned counsel for the informant.

3. At the outset, learned counsel for the petitioners submitted that the petitioners no. 4 and 5 having been arrested, the application on their behalf be permitted to be withdrawn.

4. In view thereof, the present application seeking pre-arrest bail on behalf of petitioners no. 4 and 5 stands disposed off as withdrawn and is restricted to petitioners no. 1, 2, 3, 6 and 7.

5. The petitioners no. 1, 2, 3, 6 and 7 apprehend arrest in connection with Purnea Sadar PS Case No. 164 of 2020 dated 07.05.2020, instituted under Sections 147/ 148/ 341/ 323/ 307/ 379/ 504/ 506 of the Indian Penal Code.

6. The petitioners no. 1, 2 and 3, along with another named co-accused, are said to have assaulted the informant on the head and petitioners no. 6 and 7 of having assaulted the wife of the informant side and further the petitioner no. 1 is said to have taken away Rs. 15,000/- from the pocket of the informant.

7. Learned counsel for the petitioners no. 1, 2, 3, 6 and 7 submitted that the allegation is general and omnibus and there



is also a counter case for the same incident. Learned counsel submitted that because the parties reside within a distance of a few yards from each other, due to local dispute, a false case has been instituted. Learned counsel submitted that even as per the FIR, the direct allegation of assault on the head is against the petitioner no. 3 and one Md. Sakib, who is not a petitioner in the present application. Learned counsel submitted that though there is allegation of assault on the head of the informant by the petitioner no. 3 and co-accused Md. Sakib, but the injury report discloses only one injury on the head which has been opined to be grievous in nature. Learned counsel submitted that the fact that even women members have been made accused and there being no injury report with regard to the wife of the informant, shows that the allegations are incorrect and snatching of Rs. 15,000/- from the pocket of the informant is also improbable as it cannot be believed that a person would be keeping Rs. 15,000/- in his pocket in his own house as any prudent person would keep the money at some place in his house and not carry it in his pocket in his own house. It was further submitted that the petitioners no. 2, 3 and 6 have no criminal antecedent and even petitioners no. 1 and 7, who were accused in another case, have already been acquitted in the same by the Court concerned.



8. Learned APP submitted that there is direct allegation of assault on the head, which is corroborated by the injury report, against the petitioner no. 3. However, he did not controvert the fact that against others, the allegation is general and omnibus.

9. Learned counsel for the informant submitted that all the persons had together assaulted the informant and his wife. However, he could not controvert that though against all the accused persons, except for petitioner no. 3 and another co-accused, who is not before the Court in the present case, there is allegation of general assault, but the same is not corroborated by the injury report.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 1, 2, 6 and 7 be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in Purnea Sadar PS Case No. 164 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further (a) one of the bailors shall be a close



relative of petitioners no. 1, 2, 6 and 7 and (b) the petitioners no. 1, 2, 6 and 7 and the bailors shall give an undertaking and execute bond with regard to good behaviour of petitioners no. 1, 2, 6 and 7. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

11. The application on behalf of petitioner no. 3 namely, Kaishar Raza @ Md. Quaisar Raza stands rejected.

12. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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