

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24958 of 2020

Arising Out of PS. Case No.-1236 Year-2019 Thana- NAWADA District- Nawada

1. Md. Mustkeem Khan, Male, aged about 70 years, S/o Late Ismaiel Khan, Resident of Village-Bari Dargah, P.S-Town, P.S-Nawada, District-Nawada.
2. Md. Nase @ Md. Naso @ Md. Nasho, Male, aged about 55 years, S/o Salim Driver, Resident of Village-Islam Nagar, P.S-Town, P.S.-Nawada, District-Nawada.
3. Md. Babuaa Modi @ Md. Babu aamodi, Male, aged about 40 years, S/o Late Sadakat Hussain, Resident of Village-Gondapur, P.S-Town Nawada, District-Nawada.
4. Md. Sakeed, Male, aged about 50 years, S/o Late Sadakat Hussain Resident of Village-Gondapur, P.S-Town Nawada, District-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Chandra Sen Prasad Singh, Advocate.
For the State	:	Mr. Brajendra Nath Pandey, A.P.P.
For the Informant	:	M/S. Hansraj and Apurva Kumar, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court Proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 354(A), 380, 307 of the I.P.C. and 27 of the Arms Act.



The prosecution story, in brief, is that on 14.10.2019 Md. Dollar teased the sister of the informant. On complaint, family members of Md. Dollar abused the informant and his father and compelled to leave from there. On 17.10.2019 at about 4.00 P.M., all F.I.R. named accused persons assaulted the informant and his father. Thereafter to save their lives they went to their home, then accused persons came and entered into his house with *Lathi*, *Danda* and with *Double Barrel Guns* and when his sister opposed to do so, all accused pushed her on the earth and snatched her *Scarf* and assaulted with slaps to his mother. On hulla, when Mohalla people assembled there then Md. Lal Khan fired on Md. Khurshid @ Jhunnu which hit at stomach and head due to that he failed down on the earth, Md. Naso, Md. Babua Modi and Md. Shahid and Md. Shakid fired which hit to Sohail, Md. Shahil Bhatt, Md. Nazrul, Md. Shajad, Md. Moshin Bhatt, Md. Shanwaj Bhatt, Md. Guddu, Fateh Mohammad, Md. Abbas, Md. Zafar, Sonu were injured by pellets. One Farhin Javvi who was standing at her *Portico* also sustained pellet injury in course of occurrence. Accused damaged his house and took out a gold chain from the neck of the informant and fled away.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The specific allegation of firing is against co-accused Md. Lal Khan who is said to have fired to one Khurshid @ Jhunnu. The said co-accused is not petitioner in the present bail application. As far as petitioners are concerned, general and omnibus allegation has been made against them. No specific injury is attributed against them and the injury caused by petitioners are said to be simple in nature as per the injury report of the victims respectively. Hence, no offence under Section 307 of the I.P.C. is made out against the petitioners. There is case and counter case between the parties. Injury on the side of accused persons have not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned C.J.M.,Nawada, in connection with Town (Nawada) P.S. Case No. 1236/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

