

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32897 of 2020

Arising Out of PS. Case No.-265 Year-2020 Thana- KHAGARIA District- Khagaria

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Md. Ashjad, Son of Md. Khalil, Resident of Village- Jalkoura, Police Station-
Khagaria (Gangour), District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Rajendra Narain, Senior Advocate
		Mr. Nasim Yahya, Advocate
For the Opposite Party	:	Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-12-2020 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State via video

conferencing.

2. The petitioner has filed the present application

under Sections 439 and 440 of the Code of Criminal Procedure for

grant of bail in connection with Khagaria (Gangour) P.S. Case

No.265 of 2020 registered under Sections 147, 148, 149, 323, 506,

504, 379, 307 of the Indian Penal Code and Section 27 of the

Arms Act.

3. The prosecution case is that on 02.04.2020 at

about 06:00 pm when the informant was at his house, all the

accused persons came there and assaulted the informant's side and

one of the accused ordered to kill the informant on which Khalikur

Rahman hit him with iron rod, Afzal hit Md. Mannan with iron rod



and he took cash amount of Rs.10,000/- from the pocket of the informant.

4. Mr. Rajendra Narain, learned senior counsel appearing for the petitioner submitted that the name of the petitioner has been given in the first information report as a member of an unlawful assembly. He further contended that there is admitted land dispute between the parties and a counter case was also instituted by co-accused Khalikur Rahman vide Khagaria (Gangour) P.S. Case No.266 of 2020 under Sections 341, 323, 506, 325 and 504 read with 34 of the Indian Penal Code against the members of the prosecution party. He also contended that the petitioner is a final year engineering student of Millia Institute of Technology, Purnea and has got no criminal antecedent and is in judicial custody since 08.06.2020.

5. Learned counsel for the State has opposed the application for grant of bail to the petitioner. He submitted that the petitioner was also a member of the mob, which has attacked upon the informant and his family members. However, he admits that no specific allegation has been made against him.

6. Having heard the parties and perused the materials on record, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangour) P.S. Case No.265 of 2020.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court 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 steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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