

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58384 of 2019

Arising Out of PS. Case No.-667 Year-2018 Thana- MUFFASIL District- West Champaran

1. IRSHAD ALAM @ BABA Son of Haroon Mian Resident of Village - Bharpatia, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.
2. Md. Shamsad Alam @ Mahammad Son of Haroon Mian Resident of Village - Bharpatia, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.
3. Jakir Hussain Son of Kasim Mian Resident of Village - Bharpatia, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.
4. Imamul Haque Son of Izhar Ansari Resident of Village - Bharpatia, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.
5. Kasim Ansari Son of Late Akbar Ansari Resident of Village - Bharpatia, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Adv.
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners Mrs. Rashmi Jha and Mr. Choubey Jawahar, the learned APP for the State.

The present petition is by way of 2nd attempt at the behest of the petitioners inasmuch the earlier petition for grant of



bail qua the petitioners herein was rejected by order dated 26.02.2019 passed in Cr. Misc. No. 11864 of 2019 in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 667 of 2018 for the offence punishable under Sections 307 and other allied Sections of the Indian Penal Code, however, liberty was granted to the petitioner to move this Court for grant of bail after six months.

The learned counsel for the petitioners has submitted that the petitioners have filed the present petition in view of the liberty granted by this Court earlier and upon completion of six months. It is further submitted that a general and omnibus allegation has been levelled against a mob of about 40 female and 150 male who had engaged in pelting bricks and stones at the alleged date and time of occurrence, resulting in the police and other people being injured. It is further submitted that the petitioners are innocent and have been falsely implicated in the instant case as also they are languishing in custody since 11.12.2018 and are having a clean antecedent.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the observations made by this Court in its



earlier order dated 26.02. 2019 as also considering the fact that there is no allegation of any sort of specific overt act as against the petitioner herein and a general and omnibus allegation has been levelled apart from the fact that the petitioners are have a clean antecedent and are languishing in custody since 11.12.2019, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioners, above named, are directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Judicial Magistrate, West Champaranat Bettiah in connection with Bettiah Muffasil P.S. Case No. 667 of 2018.

(Mohit Kumar Shah, J)

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