

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63831 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- PHENHARA District- East Champaran

1. MD. MAKSUD Son of Late Md. Sharif Resident of Village - Jamuniya, P.S.- Phenhara, Distt - East Champaran.
2. Md. Yusuf Son of Md. Maksud Resident of Village - Jamuniya, P.S.- Phenhara, Distt - East Champaran.
3. Md. Shahabuddin Son of Md. Maksud Resident of Village - Jamuniya, P.S.- Phenhara, Distt - East Champaran.
4. Md. Hasmuddin @ Bataha Son of Md. Maksud Resident of Village - Jamuniya, P.S.- Phenhara, Distt - East Champaran.
5. Md. Kayamuddin Son of Md. Maksud Resident of Village - Jamuniya, P.S.- Phenhara, Distt - East Champaran.
6. Md. Nezamuddin Son of Md. Maksud Resident of Village - Jamuniya, P.S.- Phenhara, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Ajay Kumar Thakur,
Babita Kumari, Advocates
For the Opposite Party/s : Mr. Ashraf Ansari, A.P.P.
For the Informant : Mr. Asif Kalim,

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

4 16-06-2020 Heard Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioners, Mr. Ashraf Ansari, learned Additional Public Prosecutor for the State and Mr. Asif Kalim, learned counsel for the informant through video conferencing.

Petitioners apprehend their arrest in connection with Phenhara P.S. Case No. 45/2019 registered for the offences punishable under Sections 147, 148, 149, 448, 452, 380, 323, 324, 307, 504, and 506 of the Indian Penal Code.

All the petitioners are said to have assaulted the



informant and one another person by means of *lathi*, sword and other weapons. However, paragraph Nos. 20 and 21 of the case diary go to show that both the injured sustained simple injury.

Learned counsel appearing for petitioners points out that petitioner No. 5 lodged Phenara P.S. Case No. 46/2019, for the occurrence of the same day, against the informant of the present case and others and accused of the aforesaid case have already been granted privilege of anticipatory bail by a coordinate Bench of this Court vide Cr. Misc. No. 73360/2019 dated 20.11.2019.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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 learned Chief Judicial Magistrate, East Champaran at Motihari in Phenara P.S. Case No. 45/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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