

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72817 of 2019

Arising Out of PS. Case No.-544 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. MD. MURGUB @ MUKESH @ MD. MURGUB ALAM @ MD. MARGUB Son of Md. Mohsin Alam Resident of Ward no. 6, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.
2. Md. Ibrar Babu @ Md. Ebrar Son of Md. Koshar Resident of Ward no. 6, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.
3. Faisal Alam @ Md. Faishal Son of Md. Shibatullah Resident of Ward no. 6, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.
4. Md. Iftekhar @ Md. Istekhar @ Iptekhar Son of Md. Kaushar Resident of Ward no. 6, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.
5. Md. Faizullah @ Nashba @ Md. Faizulla Son of Md. Shibatullah Resident of Ward no. 6, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.
6. Md. Murshid @ Murshid Abi Son of Late Md. Tayyab Resident of Ward no. 6, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.
7. Md. Ajmer @ Md. Azmair Son of Md. Jahir Resident of Ward no. 7, Lahauna Pastapar, P.S.- Sour Bazar, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-03-2020 Learned counsel for the petitioners seeks permission to withdraw the present application with regard to petitioner nos. 1 and 4.

Permission is accorded.

Accordingly, the present application with regard to petitioner nos. 1 and 4 is dismissed as withdrawn.

Heard learned counsels for the petitioners and the



State.

Rest of the petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379, 323, 324, 504, 506, 147, 148 and 149 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Md. Afjal Rashid, submitted to the Station House Officer, Sour Bazar Police Station, is to the effect that on 01.10.2018 at about 6 P.M., the informant along with his brother Md. Mamun Rashid were coming home after closing their grocery shop, on the way, all the FIR named accused persons including the petitioners and 3-4 unknown persons surrounded the informant and on the order of co-accused Md. Jahir and petitioner no.1, Md. Murgub, all the accused persons including the petitioners assaulted the brother of the informant, whereas co-accused Md. Jahir took away cash amount of Rs. 35,000/- from the pocket of the informant and petitioner no.1, Md. Murgub took away a mobile phone worth Rs. 12,000/- and a gold chain worth Rs. 31,000/- from the brother of the informant. All the accused persons also resorted to indiscriminate firing.

It is submitted by learned counsel for the petitioners that in the background of earlier dispute, the accusation has been



levelled against the petitioners. Only brother of the informant received three injuries, but all the injuries have been found to be simple superficial in nature. It is further submitted that accusation of assault is omnibus against all the accused persons. A statement has been made in paragraph no. 3 of the petition that petitioner no.2 is also made accused in one other cases, whereas petitioner no.3 is made accused in two other cases in which, he is on bail and petitioner no.5 is also made accused in two other cases in which after investigation, final form has been submitted. Petitioner no.6 is made accused in one other case, in which, he is on bail and petitioner no.7 is made accused in two other cases, in which, final form has been submitted.

Learned APP, after going through the case diary, submits that the petitioners are named in the FIR with specific accusation.

Considering the omnibus and general accusation of assault against almost 19 accused persons, not being corroborated by the injury report, let the above named petitioner nos. 2, 3 and 5 to 7 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of
learned J.M.-1st Class, Saharsa in connection with Sour Bazar
P.S. Case No. 544 of 2018, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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

