

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83510 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- BHARGAMA District- Araria

1. MD. SADDAM @ SADDAM Son of Md. Hasib Resident of Village - Akarthapa, P.S.- Bhargama, District- Araria
2. Md. Junaid @ Junaid Alam @ Md. Junaid Alam Son of Late Md. Isha Resident of Village - Akarthapa, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kanhiya Prasad Singh, Sr. Advocate
		Mr. Rana Ishwar Chandra
For the Opposite Party/s	:	Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Bhargama Case No. 224 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 354(B), 307, 447, 448, 504 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

The allegation of the prosecution is regarding 24 FIR named accused persons, variously armed, and about 500 unnamed accused persons having participated in a procession, which was moving from Karbala towards the other side and during the course thereof, the co-accused



persons namely Md. Magan and Abid had shot arrows which had hit the father of the informant and one Masudan resulting in infliction of injuries on the person of the said persons and subsequently one person had died.

The learned Senior Counsel for the petitioners has submitted that as far as the petitioners herein are concerned, they have been falsely implicated in the present case and in fact, no specific allegation of any sort of overt act has been levelled against them. It is further submitted that the petitioners are merely stated to be the members of unlawful assembly. The learned Senior Counsel for the petitioners has further submitted that the alleged incident had resulted in lodging of three FIRs, one at the behest of the Circle Inspector, Bhargama Circle, second one at the behest of the Officer-in-Charge, Bhargama Police Station, District-Araria and the third one i.e. the present case at the behest of the private informant. It is thus submitted that the petitioners herein have already been granted bail in the other two cases arising out of the same incident i.e. Bhargama P.S. Case No. 222 of 2019 and Bhargama P.S. Case No. 223 of 2019, hence, there is no impediment in grant of privilege of the bail as far as the present case is concerned. Lastly, it is submitted that



the petitioners are languishing in custody since 14.9.2019.

Having regard to the facts and circumstances of the case, as also the fact that the petitioners have already been enlarged on bail in the other two cases arising out of the same incident, which has given rise to the present case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Bhargama P.S. Case No. 224 of 2019.

(Mohit Kumar Shah, J)

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