

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82959 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHINDWARA District- Sitamarhi

1. Md. Abdul Barik @ Abdul Bari, Son of Md. Akhtar @ Late Md. Sheikh Akhtar. Resident of Village - Mauna, P.S.- Mahindwara, Distt.- Sitamarhi.
2. Md. Jalal @ Sheikh Jalal, Son of Sheikh Monazir @ Md. Monazir, Resident of Village - Mauna, P.S.- Mahindwara, Distt.- Sitamarhi.
3. Md. Sazid, Son of Md. Hassan, Resident of Village - Mauna, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Madhubala Verma, Advocate
For the Informant	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-03-2020 Heard learned Senior Counsel for the petitioners,
learned counsel for the informant and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Mahindwara P.S. Case No. 48 of 2019 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 504, 302 of the Indian Penal Code.

Learned Senior Counsel for the petitioners submits that on perusal of the First Information Report it will appear that the alleged occurrence took place on 03.04.2019 at about 8.00 P.M. and the parties indulged in abusing and assaulting each other on a quarrel among the children. It is alleged that in course of assault



all the accused persons came to the house of the informant and altogether 12 persons who are named in the F.I.R. started assaulting the family of the informant and all of them assaulted the father of the informant by fists, lathi and danda because of which the father of the informant fell down and the other family members also got injuries.

Learned Senior Counsel submits that the F.I.R. was lodged on 04.04.2019 and in the F.I.R. there is no specific allegation against any of these petitioners. It is only when the inquest report was prepared and only one injury on the head of the father of the informant was noticed, in the further statement the informant improved upon his version and this time alleged that the petitioner no.1 had assaulted on the head of the father of the informant. It is, thus, submitted that at this stage the specific case has been tried to be made out against the petitioner no. 1 but by way of improvement upon the earlier version which itself was recorded in the F.I.R. much after the alleged occurrence had taken place. So far as the other persons of the informant are concerned three of them have suffered simple injuries.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for regular bail. It is submitted that in course of investigation the informant as well as two other witnesses have come forward to say that petitioner no. 1



had assaulted the father of the informant. On this ground, learned counsel for the informant and the A.P.P. have opposed the prayer for regular bail of petitioner no.1 whereas they admit that so far as petitioner nos. 2 and 3 are concerned, there are general and omnibus allegations against them.

Considering the facts and circumstances of the case, wherein the alleged occurrence is said to have taken place on a quarrel among the children on 03.04.2019 at 8.00 P.M., the F.I.R. was lodged in the morning on 04.04.2019 and in the said F.I.R. general and omnibus kind of allegations were made against 12 accused persons specifically stating that all of them had assaulted the father of the informant but later on the informant has improved upon his statement and now it is stated that petitioner no. 1 had assaulted the father of the informant, the other two witnesses have also come at this stage to make allegation against petitioner no. 1 but all these are by way of improvement from the version of the informant in the First Information Report, the petitioners are in custody since 17.10.2019, investigation against them is complete and there is no submission that their release is likely to interfere with the trial of the case and/or they are likely to tamper with the evidence of the prosecution, let the petitioners above named be released on bail in connection with Mahindwara P.S. Case No. 48 of 2019



on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

vats/-

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