

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85377 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- JOKIHAT District- Araria

1. TALIM @ ABUTALIB Son of Jalil Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
2. Jalil Son of Late Rojid Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
3. Afaque Son of Late Rojid Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
4. Jamal Son of Late Rojid Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
5. Saraj Son of Late Ainul Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
6. Mobarak Son of Late Ainul Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
7. Rafat Son of Jalil Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
8. Kantari @ Kuntari D/O - Jalil Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
9. Arbun @ Aarbun Wife of Afaque Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
10. Rubeda Wife of Jamal Resident of Village - Siktiya, P.S.- Jokihat, District- Araria
11. Begam D/O - Jamal Resident of Village - Siktiya, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Jokihat P.S. Case No. 59 of 2019 instituted for the offence



under Section(s) 341, 323, 354, 379, 447 and 504/34 of the Indian Penal Code.

As per First Information report, Chandra Devi runs a P.D.S. Shop in *Panchayat* of informant but, the accused persons were provoking the villagers not to take the grains from the P.D.S. shop of Chandra Devi as she belongs to untouchable community. Thereafter, on 31.1.2019, all the accused persons, including these accused petitioners along with 40-50 others, assaulted Azim, the cousin brother of informant with *lathi* and *danda* at Siktia Hat, as a result of which, he sustained head injury. On getting information, the informant brought the injured to Doctor for his treatment and the accused Afaque snatched cash of Rs. 5000/- from the pocket of Azim. Thereafter, the accused persons after entering into the court yard of informant, started abusing and assaulting the informant and others with fists and slaps. When the *Bhabhi* of informant came there in order to intervene into the matter, the accused persons also assaulted her and accused Afaque snatched a silver chain and cash of Rs. 2000/- from her possession and snatched cash of Rs. 5500/- and a mobile from Samshad and tried to snatch golden ear ring from the wife of informant.

The petitioners' counsel, while pressing the anticipatory



bail application, submitted that these accused petitioners are innocent and they have been falsely implicated in this case due to previous enmity but the police during course of investigation has not found the case to be true U/s 379 of the Indian Penal Code and charge-sheet has been submitted against the accused petitioners only U/s 354 of the Indian Penal Code. It is further submitted by the petitioners' counsel that the implication is counterblast to the First Information report, which was lodged by petitioner no.3 on 01.02.2019, wherein, the informant of the instant case has been named as accused and allegation of assault upon the family members, including the lady family members of the petitioners has been levelled. It is further submitted that the accused persons in the said criminal case arising out of Jokihat P.S. Case No. 60 of 2019 have already been allowed anticipatory bail. As per assertion made in para-3 of the petition, the petitioners have no criminal antecedents.

The learned APP for the State opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Araria**, in connection with **Jokihat P.S. Case No. 59 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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