

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7886 of 2020**

Arising Out of PS. Case No.-189 Year-2019 Thana- POTHIA District- Kishanganj

1. ABUL KALAM AZAD @ KALAM KHAN Son of Late Aulayat Khan
2. Khushnoor @ Tauqeer Alam Son of Abul Kalam Azad @ Kalam Khan
3. Azam Khan @ Perwez Imam Son of Abul Kalam Azad @ Kalam Khan
All are resident of Village- Chilhamari, P.S.- Pothia, District- Kishanganj.
4. Tasramul @ Tasramul Haque, Son of Late Nazrul Islam, Resident of
Village- Bagrani Mirzapur (according to F.I.R. Resident of Village- Pothia
Bazar), P.S.- Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 29-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 341, 323, 379, 307, 354(B), 504, 506/34 of the Indian Penal Code.

Informant has alleged that on 05.11.2019 at about 11:00 a.m., FIR named accused along with some unknown miscreants variously armed with weapon entered her house and started damaging her house and when she protested, they assaulted and pushed her on the earth. Accused Khushnoor ordered his associates to break the house and took away all the article kept in the house. Other miscreants took away the



briefcase containing cash of Rs.35,300/-, one bhar gold and 15 bhar silver.

On alarm being raised, Dewar of the informant came and tried to rescue her but Khunsnoor strike on his head with iron rod, as a result of which, he sustained injury. Thereafter, he outraged her modesty and snatched away her ornaments. Subsequently, informant's relatives also came there but the accused persons also assaulted them and damaged the household articles. They threatened to vacate the land.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to land dispute and village politics. Injuries sustained are simple in nature. It has further been submitted that allegations are general and omnibus. Similarly, situated co-accused person has been granted bail vide order dated 28.02.2020 passed in Cr. Misc. No.7111/2020 by a co-ordinate Bench of this Court. Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount



each to the satisfaction of learned court below where the case is pending in connection with Pothia P.S. Case No.189 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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