

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.639 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- BHARGAMA District- Araria

1. Md. Munazir, aged about 36 years, Male, S/O Md. Aasin, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
2. Md. Zahid, aged about 34 years, Male, S/O Md. Aasin, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
3. Md. Sahid, aged about 32 years, Male, S/O Md. Aasin, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
4. Md. Sajjad, aged about 30 years, Male, S/O Md. Aasin, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
5. Md. Mujahid, aged about 35 years, Male, S/O Md. Aasin, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
6. Md. Hashim, aged about 38 years, Male, S/O Md. Kapil, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
7. Md. Rafique, aged about 41 years, Male, S/O Late Jamid, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
8. Sajjo @ Sanjoor, aged about 35 years, Male, S/O Imamul, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
9. Md. Juber, aged about 43 years, Male, S/O Late Narir, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
10. Sarfaraz, aged about 40 years, Male, S/O Allauddin, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
11. Haroon, aged about 48 years, Male, S/O Md. Safique, Resident of Sheikhpura, Ward No. 2, P.S.- Bhargama, District - Araria.
12. Md. Razi, aged about 47 years, Male, S/O Islam Resident of Gajbi Shankarpur, P.S.- Bhargama, District - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Vijay Kumar Mishra, Advocate.
For the State	:	Mr.Aditya Narayan Singh.1, A.P.P.
For the Informant	:	Mr. Anil Prasad Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.



The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 342, 323, 324, 307, 354(B) and 379 of the IPC.

The prosecution story, in brief, is that on 08.09.2019, while the informant was coming to his house from his field, Md. Jahangir, Md. Munazir, Md. Zahid, Md. Sahid, Md. Sajjad, Md. Dilkhush and Md. Mujahid armed with Lathi, Farsa and Iron rod abused and assaulted him. Co-accused Md. Jahangir inflicted Farsa blow causing arm injury and blood started oozing out and he became unconscious and fell down. When his brothers Tajamul, Md. Sahid and his nephew Md. Awes came to rescue him, Md. Hashim, Md. Rafique, Sajjo @ Sanjoor, Md. Juber, Sarfaraz, Haroon and Md. Razi assaulted with Lathi, Bhala and Farsa to them. Accused Md. Sajjo @ Sanjoor caused injury on the head of nephew of informant, namely, Md. Sahid and Md. Sajjo @ Sanjoor again inflicted Farsa blow on his head. Thereafter all the accused persons caused injury on the head of brother of informant Tajamu. When his daughter-in-law, Rakina



came there, co-accused Md. Jahangir started abusing her and pulled her down by holding her hairs and started assaulting her and Md. Jahangir and Md. Razi pulled her Sari and made her naked. Co-accused Md. Dilkhus snatched her silver chain. On hearing alarm, villagers reached there and saved them and brought them to Bhargama Hospital for their treatment from there they were referred to Araria Sadar Hospital for their better treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Due to family dispute, the alleged occurrence is said to have taken place. The allegation of assault is against petitioner nos. 8 and 12. As far as rests of petitioners are concerned, general and omnibus allegation has been made against them. No specific injury is attributed against rest of the petitioners.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case, prayer for anticipatory bail of petitioner nos. 8 and 12, namely, Sajjo @ Sanjoor and Md. Razi is rejected in connection with



Bhargama P.S. Case No. 219 of 2019, pending in the court of learned C.J.M. Araria.

Further, the petitioner nos. 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 (except petitioner nos. 8 and 12), above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned C.J.M. Araria, in connection with Bhargama P.S. Case No. 219 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 (except petitioner nos. 8 and 12) shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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