

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21317 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- JIYAPOKHAR District- Kishanganj

-
1. Gulshed Alam, aged about 43 years, male, S/o Md Hafejul.
 2. Md. Alamgir, aged about 49 years, S/o Late Altaf Hussain.
 3. Ismail, aged about 51 years, male, S/o Jaan Mohammad.
 4. Razakul Haq, aged about 44 years, male, S/o Tafejul Haque.
 5. Hayat Alam, aged about 39 years, male, S/o Babuddin.
 6. Md. Alam @ Bachhadin, aged about 50 years, male, S/o Nasiruddin.
- All are resident of Jiyapokhar, P.S.- Kashanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 25-10-2021 Heard Mr. Sanjeev Ranjan, the learned Advocate

for the petitioners and Mr. Madhura Nand Jha, the learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Jiyapokhar P.S. Case No. 04 of

2020, which was initially instituted for the offences under

Sections 147, 149, 341, 323, 324, 307, 332, 333, 353A

and 120(B) of the Indian Penal Code but later, Section 302



of the Indian Penal Code was added.

The F.I.R. has been lodged by one of the constables of the SSB, who has alleged that on the accused persons being spotted entering the territory of India through Nepal, they were asked to stop. It has then been alleged that the accused persons, who were trying to smuggle cows in the country, attacked the members of the SSB and injured two of them, one of whom died while undergoing treatment. From the conversation made by the accused persons in Nepali language, the names of the three miscreants could be identified.

The petitioners are not one of them.

After about three days of the lodging of the F.I.R., the names of the petitioners have transpired through the mouth of the spy of the police. The name of the spy and his source of information is not known.

The learned counsel for the petitioners, therefore, submits that the accusation against them is based on guesswork and on stray information provided by the spy of the police.



Apart from this, it has been submitted that the other accused persons, who were arrested and were put on trial, have been acquitted now because of paucity of evidence.

The petitioners do not have criminal antecedents.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Jiyapokhar P.S. Case No. 04 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

