

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29550 of 2020

Arising Out of PS. Case No.-383 Year-2019 Thana- JOKIHAT District- Araria

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1. NASIR GHANI @ NASIR GANI S/o Amir Ahmad @ Nazamuddin Resident of Village-Dhobania tola-Balua, P.S.-Jokihat, District-Araria.
 2. Haji Rizwan S/o Late Sher Mohammad Resident of Village-Dhobania tola-Balua, P.S.-Jokihat, District-Araria.
 3. Zubair Alam S/o Qadir Resident of Village-Dhobania tola-Balua, P.S.-Jokihat, District-Araria.
 4. Abdus Salam S/o Late Sher Mohammad Resident of Village-Dhobania tola-Balua, P.S.-Jokihat, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 427, 504 & 506/34 of the Indian Penal Code.

While the informant's brother was offering prayer with the children, all the petitioners are said to have come in the campus and demanded attendance register from informant's brother, who is head Moulvi of the Madarsa. When he refused to handover the register, all the petitioners abused him. When he made protest petitioner no.1 hit his chest by fists and kicks. When the informant came there to save his brother, all the petitioners assaulted the informant. Petitioner no.2 is said to have took out Rs.25,000/- from his pocket. Petitioner no.3 is said to have took out mobile phone of the informant's brother. They also tore the attendance register.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to enmity between the petitioners and the informant regarding the Managing Committee of the Madarsa. Both the parties belongs to same family. There is case and counter case between the parties. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have



no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No.383 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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