

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28667 of 2020

Arising Out of PS. Case No.-1235 Year-2019 Thana- NAWADA District- Nawada

1. MD RAHUL BHATT S/o Mohsin Bhatt Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.
2. Md Raja Bhatt S/o Jasim Bhatt Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.
3. Md Khursid @ Jhunnu S/o Md. Salim Marhoom Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.
4. Md Jahangir Bhatt S/o Kunni Miyan Marhoom Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.
5. Meraj Bhatt S/o Sohrab Bhatt Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.
6. Md Mumtaaz Bhatt S/o Sattar Marhoom Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.
7. Md Raja Bhatt S/o Barique Bhatt Resident of Village-Baddi Darghah, Bhatt Toli, P.S.-Nagar, District-Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s :	Mr Hansraj, Advocate
For the Opposite Party/s :	Mr Md Ataur Rahman, APP
For the Informant :	Mr Man Mohan Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

5 22-01-2021 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in connection with Nawada Police Station (for brevity, *PS*) Case No 1235 of 2019 dated 17.10.2019 instituted for the offence punishable under Sections 147, 148, 149, 452, 341, 323, 324, 307, 380 of Indian Penal Code, Section 27 of Arms Act and Sections ¾ of Explosive Substances Act.

Allegation in the First Information Report (for brevity, *FIR*) is that several accused persons, variously armed, have



entered into the house of the informant, assaulted his mother with iron rod and when the cousin of the informant came to save her, he too has been assaulted. There is also an allegation that some jewellery has been taken away in the process.

Petitioners' counsel points out from the FIR that the informant had specifically levelled allegations against co-accused Jasim Bhatt and Mosin. The allegation of taking away jewellery is against co-accused Anwar Bhatt. Petitioners No 2 to 7 are accused in seven more cases. They have been acquitted in two cases. Final form has been submitted in one case and three of the remaining cases are arising out of one common incident. Petitioner No 1 has one more case apart from these above cases pending against him since before. In all the cases, they are on bail.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that all the accused persona have assaulted the mother of the informant and their antecedents do not entitle them for grant of anticipatory bail.

In the facts and circumstances of the case, prayer of 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 bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in Nawada PS Case No 1235 of 2019 dated 17.10.2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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