

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31659 of 2020

Arising Out of PS Case No.-65 Year-2019 Thana- RUPAULI District- Purnia

1. Md. Aftab Alam, aged about 45 years, Gender-Male, Son of Md. Kaifat Alam @ Md. Kifayat.
 2. Md. Jaffo @ Md. Jaffar, aged about 52 years, Gender-Male, Son of Md. Iliyas.
 3. Md. Kaisar Alam @ Md. Kausar @ Kausar Alam, aged about 45 years, Gender-Male, Son of Md. Jakariya.
 4. Md. Kammo @ Md. Qumar Alam, aged about 30 years, Gender-Male, Son of Md. Jakariya.
 5. Md. Anwar, aged about 34 years, Gender-Male, Son of Md. Faiz.
 6. Choltu Mandal, aged about 46 years, Gender-Male, Son of Late Uttim Lal Mandal.
 7. Ajay Kumar Sah @ Ajay Sah, aged about 38 years, Gender- Male, Son of Late Swarup Lal Sah.
 8. Awadhesh Kumar Sah @ Awadhesh Sah, aged about 50 years, Son of Late Swarup Lal Sah.
- All are resident of Village-Chapahri, PS-Rupauli, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-03-2021

Heard Mr. Bijendra Kumar Singh, learned counsel for the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Rupauli PS Case No. 65 of 2019 dated 15.06.2019, instituted



under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354 and 448 of the Indian Penal Code.

3. The allegation against the petitioners is of assault on the informant's side and specifically against petitioner no. 1, of assault by *farsa* on the head of Mithilesh Sah resulting in injury and petitioner no. 5, of assault on the head and hand by iron rod on Indradev Sah.

4. Learned counsel for the petitioners submitted that the allegation is general and omnibus and there is also a counter case in which there is injury suffered on the petitioners' side also. It was submitted that the petitioners have no criminal antecedent.

5. Learned APP, from the case diary, submitted that there is direct allegation of assault leading to grievous injury against petitioner no. 1 namely, Md. Aftab Alam and petitioner no. 5 namely, Md. Anwar, which is corroborated by the injury report. However, it was not controverted that against rest of the petitioners, the allegation is general and omnibus.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 2 namely, Md. Jaffo @ Md. Jaffar; petitioner no. 3 namely, Md. Kaisar Alam @ Md. Kausar @



Md. Kausar Alam; petitioner no. 4 namely, Md. Kammo @ Md. Qumar Alam; petitioner no. 6 namely, Choltu Mandal; petitioner no. 7 namely, Ajay Kumar Sah @ Ajay Sah and petitioner no. 8 namely, Awadhesh Kumar Sah @ Awadhesh Sah be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Purnea in Rupauli PS Case No. 65 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners no. 2, 3, 4, 6, 7 and 8, (ii) that the petitioners no. 2, 3, 4, 6, 7 and 8 and the bailors shall execute bond with regard to good behaviour of the petitioners no. 2, 3, 4, 6, 7 and 8, and (iii) that the petitioners no. 2, 3, 4, 6, 7 and 8 shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners no. 2, 3, 4, 6, 7 and 8 shall cooperate in the case and be present before the Court on each and every date. Failure to



cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the said petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to such petitioners.

8. The application stands disposed off in the aforementioned terms.

9. The application on behalf of petitioner no. 1 namely, Md. Aftab Alam and petitioner no. 5 namely, Md. Anwar, stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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