

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35497 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- KISHANGANJ District- Kishanganj

1. Md. Qurban Ali @ Qurban Ali @ Dablu, aged about 24 years, Male,
2. Ramjan Ali @ Bablu, aged about 28 years, Male,
3. Barik @ Tinkori, aged about 32 years, Male,
4. Aarif Ali @ Aarif @ Satanu, aged about 30 years, Male,
All sons of Md. Rajibul @ Rajibul, resident of Village- Chamanpur,
Chikatoli, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amal Kumar Sinha, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Amal Kumar Sinha, learned counsel for the petitioners and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Kishanganj PS Case No. 08 of 2020 dated 04.01.2020, instituted under Sections 452, 341, 323, 308, 427 and 354-B/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they were assaulting their father and when he took shelter in the



house of his brother, who is the informant, the petitioners came to his house and also assaulted him.

5. Learned counsel for the petitioners submitted that the father of the petitioners has not filed any complaint and the same has also been done after two days and the allegation is also general and omnibus without there being any overt act alleged and there is no injury on the side of the informant. Learned counsel submitted that the petitioners have no criminal antecedent.

6. On 21.06.2021, the Court had taken note of the submission of learned counsel for the petitioners and had asked learned APP to obtain the up-to-date legible photocopy of the entire case diary of Kishanganj PS Case No. 08 of 2020 as also a report from the Superintendent of Police, Kishanganj, as to whether the father, who is said to have been assaulted by the petitioners, has voluntarily affirmed affidavit in the present case. A report has been submitted which indicates that he has given in writing that he has done so without any pressure or fear or inducement.

7. Learned APP submitted that injury report shows lacerated wound on right forearm, lacerated injury on left eyebrow, lacerated wound on the left maxilla and swelling on



the left maxilla.

8. 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 petitioners 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 Chief Judicial Magistrate, Kishanganj, in Kishanganj PS Case No. 08 of 2020, 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, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

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



hearing to the petitioners.

10. The petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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