

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35928 of 2020

Arising Out of PS. Case No.-129 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. Md. Raza, aged about 22 years, Male, S/o Md. Nizamuddin, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
2. Rizwan, aged about 25 years, Male, S/o Salamat Mian, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
3. Dhuri, aged about 43 years, Male, S/o Idris Mian, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
4. Naushad, aged about 25 years, Male, S/o Sahid, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
5. Mistar, aged about 27 years, Male, S/o Ajmullah, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
6. Md. Munna @ Munna, aged about 30 years, Male, S/o Mujaffar Imam, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
7. Gufran Ali @ Gufran, aged about 24 years, Male, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
8. Saddam, aged about 25 years, Male, S/o Mainuddin @ vutuq, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
9. Sabir Ali @ Sabir, aged about 28 years, Male, S/o Aslam, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
10. Shahbaz Ali @ Sahvaz, aged about 27 years, Male, S/o Badasah, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
11. Irfan Ali @ Irfan, aged about 23 years, Male, S/o Narul Haque, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
12. Wazid @ Wajid Ali, aged about 21 years, Male, S/o Salgam, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
13. Afzal @ Afzal Ali, aged about 25 years, Male, S/o Haidar Mian, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
14. Imran Ali @ Ibran @ Imran, aged about 23 years, S/o Jhalan Mian, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
15. Mazeed @ Majid Ali, aged about 23 years, Male, S/o Aslam, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
16. Aman @ Aman Ali, aged about 23 years, Male, S/o Arsad, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
17. Monu, aged about 22 years, Male, S/o Salim, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
18. Imamul Haque, aged about 25 years, Male, S/o Ainul Haque, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
19. Bhuttu Mian, aged about 24 years, Male, S/o Babul Haque, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
20. Arshad Ali @ Arshad, aged about 40, Male, S/o Samim Mian, Resident of



Village-West Harihans, P.S.-Hussainganj, District-Siwan.

21. Abid @ Abid Husain, aged about 22 years, Male, S/o Guddu Mian, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.
22. Raban @ Rabban Ali, aged about 20 years, Male, S/o Anshar Mian @ Ansar Ali, Resident of Village-West Harihans, P.S.-Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-04-2021 Heard Mr. Satyendra Rai, the learned counsel for the petitioners and Mrs. Nirmala Kumari, the learned Additional P.P. through video conferencing.

Learned counsel for the petitioner seeks permission to withdraw the anticipatory bail petition of petitioner no.2, Rizwan, petitioner no.3, Dhuri, petitioner no.8, Saddam, petitioner no.9, Sabir Ali @ Sabir, petitioner no.10, Shahbaz Ali @ Sahvaz, petitioner no.12, Wazid @ Wajid Ali, petitioner no.14, Imran Ali @ Ibran @ Imran, petitioner no.15, Mazeed @ Majid Ali and petitioner no.22, Raban @ Rabban Ali.

Prayer is allowed.

The anticipatory bail petition on behalf of the aforesaid petitioners is dismissed as withdrawn.

The remaining petitioners apprehend their arrest in



Hussainganj P.S. Case No.129 of 2020, registered under Sections 147, 148, 149, 160, 341, 323, 379, 307, 447, 448, 427, 354, 504 and 506 of the Indian Penal Code.

The informant named the petitioners along with others and alleged that while the informant and others were sitting at their door, Md. Raza dashed a kid of she-goat by his motorcycle. Dilip Kumar, the son of the informant objected. On such, Md. Raza abused and assaulted Dilip. Many other persons came and ransacked the house of the informant.

Learned counsel for the petitioners submits that there is a counter version being Hussainganj P.S. Case No.130 of 2020. Many persons are alleged to have been assaulted but from the order of the learned Sessions Judge, it would appear that save and except Birendra, none of the injured sustained any injury. The allegation of theft is false and no offence under Section 307 IPC is made out. Other sections are bailable.

The Additional P.P. did not dispute these facts.

Having considered the facts and nature of allegations made against the petitioners and the fact that there is case and counter case, petitioners no.1, 4, 5, 6, 7, 11, 13, 16, 17, 18, 19, 20 and 21, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the



date of receipt of this order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Hussainganj P.S. Case No.129 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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