

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33859 of 2020

Arising Out of PS. Case No.-262 Year-2020 Thana- NARPATGANJ District- Araria

1. Tanweer @ Md. Tanweer Alam, Gender-Male, aged about 23 years, Son of Sabbir
2. Matin, Gender-Male, aged about 32 years, S/o Muslim
3. Soyeb, Gender-Male, aged about 45 years, S/o Late Aseer
4. Muslim, Gender-Male, aged about 50 years, S/o Late Ali Hussain

All Resident of Village-Pathraha, Ward No.12, P.S.-Ghurna O.P., District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Kumar, Advocate
For the State : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ravish Kumar, learned counsel for the petitioners and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioners submitted that the petitioner no. 2 namely, Matin has been arrested and, thus, he may be permitted to withdraw the application on his behalf.

4. In view thereof, the application on behalf of petitioner no. 2 namely, Matin, stands disposed off as withdrawn and the application is restricted only to petitioners no. 1, 3 and 4



namely, Tanweer @ Md. Tanweer Alam, Soyeb and Muslim, respectively.

5. The petitioners apprehend arrest in connection with Narpatganj (Ghuma) PS Case No. 262 of 2020 dated 14.06.2019, instituted under Sections 147/ 148/ 149/ 341/ 323/ 325/ 333/ 338/ 307/ 353/ 504/ of the Indian Penal Code.

6. As per the FIR lodged by a police Havildar, the allegation is that when the police went to control a clash between two groups on 13.06.2020 in the morning, the petitioners and others attacked the police force with *lathi, danda* and brickbats due to which the informant sustained head injury.

7. Learned counsel for the petitioners submitted that there are eight named accused, including the petitioners, and 60-70 unknown persons, which obviously shows that it was a huge mob and recognizing individuals was not possible. It was submitted that later due to village politics the name of the petitioners has been introduced. Even on merits, it was submitted that it is only the informant himself who has received injury as per the injury report itself which shows one lacerated wound on the skull and the opinion is that it was caused by hard blunt substance being simple in nature. Learned counsel submitted that the petitioners have no criminal antecedent.



8. Learned APP submitted that the petitioners are said to have assaulted the police party who had gone to control the situation.

9. 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 no. 1, 3 and 4 namely, Tanweer @ Md. Tanweer Alam, Soyeb and Muslim, respectively 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, Araria in Narpatganj (Ghuma) PS Case No. 262 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 said petitioners, (ii) that the said petitioners and the bailors shall execute bond with regard to good behaviour of the said petitioners, and (iii) that the said petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of their bail bonds.

10. 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 the concerned petitioners.

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

(Ahsanuddin Amanullah, J)

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