

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34632 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- SAKURABAD District- Jehanabad

Md. Naushad Alam, aged about 19 years, Gender- Male, son of Md. Neshar Ahamed @ Munna Mistry, resident of Shakurabad, P.S.- Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S K Lal, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. S K Lal, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Shakurabad PS Case No. 88 of 2020 dated 10.06.2020, instituted under Sections 147, 148, 149, 341, 323, 324, 307, 353, 504, 506 of the Indian Penal Code and 51-B, 56 and 57 of the National Disaster Management Act, 2005.

4. The allegation against the petitioner and more than one hundred others is of indulging in a fight with another group and when the police came, of attacking the police personnel also by pelting bricks.



5. Learned counsel for the petitioner submitted that he is not named in the FIR in which eight persons have been named and one hundred unknown have been made accused. However, it was submitted that he is being targeted only because in the FIR one of the accused has been identified as son of Munna Miya and the name of his father is also Munna Miya. It was submitted that the petitioner is one amongst four sons of Munna Miya and, thus, it cannot be said that he was the person, who was present at the spot. Further, it was stated that the petitioner is a young boy aged 19 years. Learned counsel submitted that he has no criminal antecedent. However, he clarified that for the same incident one of the co-accused, Chandan Kumar, has also lodged Sakurabad PS Case No. 86 of 2020 in which though the petitioner is not named, but because of harassment made by the police as is being done in the present case, by way of caution, he moved for anticipatory bail, which was allowed by order dated 28.08.2020 in ABP No. 724 of 2020 by the learned Additional Sessions Judge, IVth, Jehanabad. Learned counsel submitted that even the so-called injury caused to the police personnel is simple in nature with only swelling found on their persons, drawing the attention of the Court to copies of the injury reports, which have been brought on record as Annexure-2 series.



6. Learned APP submitted that the petitioner was identified in the fight and had also attacked the police personnel.

7. 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 be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Jehanabad in Shakurabad PS Case No. 88 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 petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he 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 his bail bonds. The petitioner 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 his bail bonds.

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

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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