

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36741 of 2020

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

1. KOHSIN @ KOUSHER Son of Sabbir @ Sabir Resident of Village - Pathraha, Ward No. 12, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
2. Toufik @ Toufik Raza Son of Sayeed Resident of Village - Pathraha, Ward No. 12, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
3. Tahsin @ Tohsin Raza Son of Sayeed Resident of Village - Pathraha, Ward No. 12, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
4. Rajeem Son of Sarajuddin Resident of Village - Pathraha, Ward No. 12, P.S. - Narpatganj (Ghurna O.P.), District - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh- Advocate

For the Opposite Party/s : Dr. Indihar Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-10-2021 Heard the learned Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Narpatganj (Ghurna) P. S. Case No.262 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 333, 338, 307, 353 and 504 of the Indian Penal Code.

The learned counsel for the petitioners submits that from bare perusal of prosecution report, it would manifest that the F.I.R. has been lodged by the Police Constable and it is



alleged that on 13.06.2020, the members of two groups indulged in inflicting assault on each other. When the police party tried to pacify both the sides, the members of both the groups indulged in violence and started abusing the police party and the members of police force was also assaulted with lathi, danda and stones due to which informant sustained head injury.

The learned counsel for the petitioners submitted that altogether eight accused persons including the petitioners and 60-70 unknown persons were named in the F.I.R. which obviously shows that it was a huge mob. Further that on account of local rivalry, the petitioner has been falsely implicated in this case. The learned counsel for the petitioners further submits that it is only the informant, who has received injury and as the per the injury report, only one lacerated wound on the scalp is found which was caused by the hard and blunt substance being simple in nature. The learned counsel for the petitioners submits that the petitioners have clean antecedents. The learned counsel for the petitioner further submits that similarly situated co-accused persons have been granted the privilege of anticipatory bail by a Bench of this Court vide order dated 17.03.2021 passed in Cr. Misc. No.33859 of 2020.

The learned A.P.P. vehemently opposes the



anticipatory bail application but on query of the Court that whether she could differentiate between the allegation as alleged against the present petitioners and the petitioners of the aforesaid Criminal Miscellaneous by which they have been granted bail on which the learned A.P.P. fairly concedes.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Ghurna) P. S. Case No.262 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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