

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36095 of 2020

Arising Out of PS. Case No.-265 Year-2020 Thana- KHAGARIA District- Khagaria

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1. Md. Afjal @ Md. Afzal, S/o Md. Munish R/o Village- Jalkoura, P.S.- Khagaria, District- Khagaria.
 2. Md. Afjal S/o Md. Hamdani @ Bhola, R/o Village- Jalkoura, P.S.- Khagaria, District- Khagaria.
 3. Md. Faisal, S/o Md. Hamdani @ Bhola R/o Village- Jalkoura, P.S.- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 07-04-2021 Heard Mr. Ram Sumiran Rai, learned counsel

for the petitioners and Mr. Sanjay Kumar Singh, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Khagaria (Gangaur) P. S. Case

No. 265 of 2020 (G.R. No. 976 of 2020) dated



02.04.2020, instituted for the offences under Sections 147, 148, 149, 323, 506, 504, 379 and 307 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

It has been submitted that 18 persons have been made accused in this case.

On the orders of one Jiyaaur Rahman, Khalikur Rahman is said to have assaulted the informant on his head which caused grievous injuries to him. When the brother of the informant namely Md. Minna came to his rescue, he too was assaulted by the petitioner by means of an iron rod.

The learned counsel for the petitioner has submitted that the assault perpetrated by the petitioner has led to only simple injury on Md. Minna.

Apart from this, it has been submitted that Khalikur Rahman has also filed a case against the informant and others *vide* Khagaria (Gangaur) P. S. Case No. 266 of 2020.



An occurrence took place at the time of construction over a plot of land in which many persons have been made accused in this case.

The petitioner as well as the informant are neighbours and only because an occurrence took place, all the persons who were from either of the side have been made accused in respective cases.

The petitioners do not have criminal antecedents.

Considering the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Gangaur) P. S. Case No. 265 of 2020 (G.R. No. 976



of 2020), subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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