

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36007 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- MADHEPUR District- Madhubani

1. MD. RAJA, Son of Md. Tetar Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
2. Md. Khurshid Son of Md. Sakur Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
3. Md. Tetar Son of Md. Ismail Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
4. MD. KASHIM Son of Md. Suleman Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
5. Md. Sakur Son of Md. Ismail Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
6. MD. ISLAM Son of Md. Firangi Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
7. Md. Jibril Son of Md. Kashim Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
8. Md. Tabrej Son of Md. Sakur Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
9. Md. Nasir Son of Md. Firangi Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.
10. Md. Alam Son of Md. Tetar Resident of Vilalge-Maina-Rahi, P.S.-Madhepur, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-04-2021 Heard Ms. Namrta Mishra, learned counsel for

the petitioners; Mr. Dhananjay Yadav, learned counsel

for the informant; and Mr. Manoj Kumar No. 1, learned

APP for the State.



After some arguments, Ms. Mishra, learned counsel for the petitioners does not press the application with respect to petitioner nos. 1, 2 and 3.

The petitioner no. 3 incidentally has already been arrested.

The prayer for anticipatory bail of petitioner nos. 1 and 2 are therefore dismissed as not pressed.

The prayer for anticipatory bail of petitioner no. 3 has become infructuous and the same is dismissed as having become infructuous.

In case the petitioner nos. 1, 2 and 3 seek bail before the court below, their application shall be considered on its own merits, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

The petitioner nos. 4 to 10 seek bail in anticipation of their arrest in connection with Madhepur P. S. Case No. 79 of 2020, dated 01.10.2019, corresponding to G.R. No. 815 of 2020, instituted for



the offences under Sections 341, 323, 324, 354 (B), 379, 448, 504, 506 and 34 of the Indian Penal Code.

Though the petitioner nos. 4 to 10 are also said to have taken part in the affray, but there is no specific accusation against them.

The petitioner no. 3 is said to have caused grievous injuries on one of the victims of this case whereas the petitioner nos. 1 and 2 are said to be the first persons who entered the house for outraging the modesty of the niece of the informant.

The learned counsel for the petitioners has submitted that this accusation has been levelled in such general and omnibus manner only in retaliation of the case lodged by them against the informant and other *vide* Madhepur P. S. Case No. 80 of 2020.

From the side of the petitioners also there have been injuries on some of the persons.

Considering the background of enmity between the parties, general and omnibus allegations against



petitioners no. 4 to 10 as also taking into account the fact that they are persons of clean antecedents, they 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 Additional Chief Judicial Magistrate – 2nd, Jhanjharpur, in connection with Madhepur P. S. Case No. 79 of 2020, dated 01.10.2019, corresponding to G.R. No. 815 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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