

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58 of 2021

Arising Out of PS. Case No.-300 Year-2020 Thana- TURKAULIYA District- East
Champaran

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1. NASRE ALAM, S/o Sk. Enul Haque Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 2. Noore @ Noor Alam, S/o Sk. Jalil Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 3. Sk. Attiullah @ Md. Attiullah, S/o- Sk. Emdad Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 4. Sk. Shamsul Haque @ Samshil Haque, S/o Sk. Emdad Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 5. Sk. Jubair, S/o- Late Sk. Majid Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 6. Sk. Jamshed @ Jamsed Alam, S/o Sk. Samshul Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 7. Sk. Shamshad @ Shamshad, S/o- Sk. Mumtaz Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 8. Sk. Jamadar @ Md. Jamadar, S/o- Sk. Majid Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.
 9. Sk. Saidullah, S/o- Late Sk. Majid Resident of Village- Murgiya Tola Chargaha, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anang Mohan Sinha
For the State	:	Ms. Anit Kumari Singh, APP
For the informant	:	Ms. Perna Rishi, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-06-2021 Heard Mr. S. K. Lal, learned counsel for the

petitioners and Ms. Perna Rishi, learned APP for the

informant. The State is represented by the learned APP.

The application with respect to petitioner nos. 1



and 2 had already been withdrawn as it had become infructuous.

The petitioner nos. 3 to 9 seek bail in anticipation of their arrest in connection with Turkauliya P. S. Case No. 300 of 2020 (G. R. No. 3533 of 2020), instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 302, 120(B) and 504 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that the petitioners no. 3 to 9, though, have been named in the F.I.R. and have also been shown to be present at the time of occurrence but there is no specific accusation of assault against them. There is specific allegation against only two of the accused persons of having assaulted the deceased.

It has also been brought to the notice of this Court that according to the post-mortem report, only one injury has been caused whereas eleven (11) persons are said to have assaulted the deceased.



Be that as it may, regard being had to the overall circumstances of the case and taking into account the fact that the petitioners had participated in the occurrence, I am not inclined to grant anticipatory bail to them.

The prayer for anticipatory bail is rejected.

However, if the petitioner nos. 3 to 9 surrender before the court below and seek bail, the application shall be considered on its own merits including the fact that they have not specifically been attributed with any overt act and orders shall be passed in accordance with law, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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