

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2341 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- KORHA District- Katihar

1. MD. RAZZAK S/O LATE TEJAN RESIDENT OF VILLAGE-MUSAPUR, P.S.-KORHA, DISTRICT-KATIHAR.
2. MD. MUZAFFAR S/O MD. RAZZAK RESIDENT OF VILLAGE-MUSAPUR, P.S.-KORHA, DISTRICT-KATIHAR.
3. MD. MOJAHID @ MD. MOJAHIR S/O MD. RAZZAK RESIDENT OF VILLAGE-MUSAPUR, P.S.-KORHA, DISTRICT-KATIHAR.
4. MD. IZHAR S/O MD. RAZZAK RESIDENT OF VILLAGE-MUSAPUR, P.S.-KORHA, DISTRICT-KATIHAR.
5. MD. CHHOTU @ MUNAUWAR S/O MD. RAZZAK RESIDENT OF VILLAGE-MUSAPUR, P.S.-KORHA, DISTRICT-KATIHAR.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-09-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 06.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Korha P.S. Case no. 212 of 2020, registered under Sections 494, 341, 323, 307, 504 and 506/34 of the



Indian Penal Code.

The accusation is that in the evening of 03.05.2020, informant Md. Kamrujama was coming to his door driving his tractor, in the way, tractor attached with trolley of Md. Razzak was parked then he asked to remove the same on which Md. Razzak (Petitioner No.1) and his family members stopped his tractor and started to abuse and scuffle. On hearing hulla, his cousin Md. Eksan came then Md. Izhar (Petitioner No.4) gave the iron rod blow at his head causing grievous injury. When other family members of the informant rushed then they were assaulted by Md. Razzak (Petitioner No.1), Md. Muzaffar (Petitioner No.2), Md. Mojahid @ Md. Mojahir, Md. Izhar (Petitioner No.4), Md. Chhotu @ Munauwar (Petitioner No.5) and Sakina Khatoon through rod and piece of bamboo. At that time, Md. Yusuf, uncle of informant, was also assaulted by them in which he sustained injury at his hand.

Learned counsel for the petitioners submits that while all the petitioners are named in the F.I.R., but no specific allegation has been made against petitioner Nos. 1, 2, 3 and 5. Further submission is that due to some dispute, occurrence of Marpit took place in which petitioners' side also sustained injury regarding which Korha P.S. Case No. 213 of 2020 was



instituted on the basis of fardbeyan of Md. Manowar Alam. Further submission is that petitioners have no criminal antecedent.

It appears from the impugned order dated 30.06.2020 passed in A.B.P No. 567 of 2020 by the learned Sessions Judge, Katihar that the injury as found on the person of Md. Ehsan, which is said to be caused by petitioner No.4, namely, Md. Izhar, is dangerous to life.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 1, 2, 3 and 5, namely, Md. Razzak, Md. Muzaffar, Md. Mojahid @ Md. Mojahir and Md. Chhotu @ Munauwar, respectively, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 212 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as the pre-arrest bail of the petitioner No.4, namely, Md. Izhar is concerned, having considered the facts and circumstances of the case and the nature of allegation against



him, I am not inclined to grant pre-arrest bail to the petitioner
No.4, Md. Izhar. Accordingly, his prayer for grant of pre-arrest
bail stands **rejected**.

(Rajendra Kumar Mishra, J)

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