

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1229 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- RAUTA District- Purnia

1. Md. Saddam @ Saddam, aged about 24 years (Male), son of Abdul Subhan @ Abdul Suhan.
2. Md. Mohim @ Md. Moin, aged about 21 years (Male).
3. Md. Shamim @ Shamim Sheikh, aged about 25 years (Male), both sons of Saidul.
4. Sajid @ Md. Sajid @ Sanjid, aged about 26 years (Male).
5. Tanbir @ Tanwir Alam, aged about 24 years (Male), both sons of Amin
6. Md. Hanif @ Hanif, aged about 55 years (Male), son of Surfat Ali.
7. Md. Zafar @ Zafrul, aged about 29 years (Male).
8. Zafrul @ Md. Afrul @ Afrul, aged about 26 years (Male).
9. Md. Bhatiya @ Sabrul, aged about 24 years (Male), all sons of Md. Hanif @ Hanif.
10. Md. Haider Ali @ Md. Haider, aged about 42 years (Male), son of Md. Asfaque @ Afak Alam.
All resident of village- Chilhani, P.S.- Routa, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners on 29.07.2021, which was allowed.

3. Heard Mr. Najeeb Ahmad, learned counsel for the



petitioners and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Routa PS Case No. 56 of 2020 dated 08.06.2020, instituted under Sections 147, 148, 341, 142, 323, 324, 307, 354, 379 and 506 of the Indian Penal Code.

5. The allegation against the petitioners is that they had assaulted the informant and the reason being that the petitioner no. 1 had teased and used vulgar language with the sister of the informant, who was stacking maize in her field and had torn her clothes and when her mother came to rescue, the petitioner no. 1 gave a blow with sword on her head and then all the other accused are said to have come and in the meantime, the informant's side had also come and the petitioners along with twelve others are said to have indulged in assault being armed with *lathi*, brick-bats and sword and further, it is alleged that the gold ring of another sister of the informant, mobile set and rupees four thousand cash and also mobile set from brother of the informant were also snatched.

6. Learned counsel for the petitioners submitted that there is also a counter case i.e., Routa PS Case No. 57 of 2020



for the same incident. It was submitted that the petitioner no. 1 was going on a motorcycle and the informant's side had blocked the road by stacking maize, which was objected, and has resulted in free fight between the two sides. It was submitted that the injury reports, copies of which have been brought on records, disclose that all are simple except for one injury on the mother of the informant, which is said to be grievous i.e., fracture of the forearm which is not specifically attributable to any of the petitioners. It was submitted that even the specific allegation of assault by sword on the head of the mother of the informant by the petitioner no. 1 is not corroborated by the injury report as no injury on head caused by sharp cutting weapon has been found, rather, the cause of injury has been shown as hard and blunt object. Learned counsel submitted that from the FIR itself, it would be apparent that the allegation is false for the reason that it has been stated that when the sister of the informant was stacking maize in her field, the petitioner no. 1 had come, but does not allege that he had any weapon, much less, a sword in his hand and suddenly, it is stated that he attacked by sword without explaining as to from where he had got the sword. Further, it was submitted that the incident has been blown out of proportion and even on the side of the



petitioners there have been injuries and the petitioners have no other criminal antecedent.

7. Learned APP submitted that as per the FIR, the petitioner no. 1 had also tried to outrage the modesty of the sister of the informant. However, in view of copies of the injury reports being brought on record, it was not controverted that all injuries on the victims are simple except for one grievous injury on the forearm of the mother of the informant, which is not specifically attributable to any of the petitioners and further, that no injury by any sharp cutting weapon on the head of the mother has been found by the doctor.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there is sufficient indication pointing to there being some fight between the parties and the cause appears to be stacking of maize which has also been stated in the present FIR and further, that there is a counter case and the petitioners and twelve others have been made accused and except for some specific allegation against the petitioner no. 1, the allegations are general and omnibus against all twenty-two accused, including the petitioners, and they not being accused in any other criminal case, the Court is inclined to allow the prayer for



pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Purnia, in Routa PS Case No. 56 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

11. The petition stands disposed of in the



aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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