

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40809 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- KOCHAS District- Rohtas

1. USMAN MIAN, aged about 35 years, Male, Son of Late Rashid Mian, Resident of Village - Kochas, P.S.- Kochas, Distt.- Rohtas.
2. FAROOQUE MIAN, aged about 33 years, Male, Son of Late Rashid Mian, Resident of Village - Kochas, P.S.- Kochas, Distt.- Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Ataul Haque, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Farooque Mian, as he has been taken into judicial custody in connection with Kochas P.S. Case No. 256 of 2019, pending in the court of learned C.J.M. Rohtas at Sasaram.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Farooque Mian, is



dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1 and learned A.P.P. for the State through Virtual mode.

Now, the petitioner no. 1 is apprehending his arrest in a case for the offence registered under Sections 341, 323, 307 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 25.11.2019 at about 8.00 A.M., in the morning, construction work was going on at the house of the informant Vijay Nath Sah. In the meantime, Usman Mian (petitioner no. 1) and co-accused Farooque Mian and their sons having Lathi-Danda and country made Katta in their hands came at his door and attacked on him. When his sons came at the door to see him, they have also received injuries by the accused persons. It is alleged that co-accused Farooque Mian pointed country made Katta on the head and pulled the trigger but missed the fire then Farooque Mian assaulted on his head by means of Butt of the country made Katta and also took Rs. 48,00/- from his pocket. The informant receiving blood oozing injury fled down on the road and saw his sons Abhay Kumar, Rishabh Kumar and Krishna Kumar were also fled down receiving blood oozing injuries. Then nearby people brought the informant to Kochas Hospital in senseless



condition.

It has been submitted by learned counsel for the petitioner no. 1 that he has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. General and omnibus allegation has been made against him. No specific overt act is alleged against him. Nature of injury is said to be simple.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 1 above named, (except petitioner no. 2 Farooque Mian) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Rohtas at Sasaram, in connection with Kochas P.S. Case No. 256 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 1 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period



of eight weeks to the satisfaction of the court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

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