

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39999 of 2020**

Arising Out of PS. Case No.-363 Year-2020 Thana- FORBESGANJ District- Araria

1. MUMTAZ, S/o Ahmad @ Ahmad Hussain, R/o village- Kurhaili, Ward No. 7, P.S.- Forbesganj, District- Araria
2. ILTAF, S/o Ahmad @ Ahmad Hussain, R/o village- Kurhaili, Ward No. 7, P.S.- Forbesganj, District- Araria
3. JIBRAIL, S/o Late Tahir, R/o village- Kurhaili, Ward No. 7, P.S.- Forbesganj, District- Araria ... Petitioners

Versus

THE STATE OF BIHAR ... Opposite Party

**Appearance :**

For the Petitioners : Mr. Nafisuzzoha, Adv.  
For the Opposite Party : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      20-07-2021                      As prayed for, through video conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 24.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioners seek pre-arrest bail in connection with Forbesganj P.S. Case No. 368 of 2020, registered under Sections 147, 148, 149, 447, 448, 341, 323, 337, 338, 307 and 504 of the Indian Penal Code, later on Section 302 of the Indian Penal Code has been added.

The accusation is that on 12.05.2020, the informant, Md. Usman, was returning from market to his house, in the way



Anzar @ Bablu, Qamruzzama @ Bechan, Sajjam, Ahmad, Anwarul, Ansarul, Iltaf (petitioner no. 2), Mumtaz (petitioner no. 1) and Imteyaz surrounded him and started to cause assault through fists and slaps. Any how, the informant, Md. Usman, managed to flee away towards his house, but, he was chased by aforesaid persons, along with Mustafa, Akbar, Rasheed, Sarwar, Harun, Serajul, Jibrail (petitioner no. 3) and Ejaz and all entered in his house and started to cause assault to him and his family members. In the meantime, Md. Azeez rushed to save them. Md. Ahmad, Iltaf (petitioner no. 2), Qamruzzama @ Bechan and Anzar @ Bablu attacked on him and started to cause assault. Md. Ahmad and Qamruzzama @ Bechan caused injury through brick at the chest of Md. Azeez, who sustained grievous injury, Jubrail, son of Md. Azeez, rushed to save Md. Azeez, then, Harun and Serajul caught hold him and caused assault.

The learned counsel appearing for the petitioners submits that while all three petitioners are named in the first information report, along with 14 others, but, specific allegation of causing assault to deceased, Md. Azeez, who died later on in course of treatment, is against Md. Ahmad, Iltaf (petitioner no. 2), Qamruzzama @ Bechan, Anzar @ Bablu. Jubrail, son of Md. Azeez, who rushed to save deceased, Md. Azeez, is said to



have assaulted by Harun and Serajul, as such, all the three petitioners were simply members of mob and they were present there. In fact, petitioners, who are co-villagers of the informant, Md. Usman, have falsely been implicated in this case without any specific overt act.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of arrest/surrender, within a period of four weeks from today, in connection with Forbesganj P.S. Case No. 368 of 2020 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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