

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4291 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. SABIR HUSSAIN @ SHAHABIR HUSSAIN son of Md. Raja
 2. Md. Sahabuddin @ Sahabuddin s/o Md. Raja
 3. Md. Samsad @ Shamshad Hussain s/o Md. Zakir Mian @ Zakir Hussain
All three are R/o village- Gaur Kathak
 4. Ranjay Kumar s/o Amerika Mahto R/o village- Gaur Bujurg,
 5. Baijnath Sah @ Baidyanath Sah s/o Late Suryadeo Sah R/o village- Gaur Kathak
All fove of p.s. G.B. Nagar, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody since 22.09.2020 in connection with G.B. Nagar P.S. Case No. 251/2020 registered for the offences punishable under Sections 147/148/149/341/323/325/307/353/332/333/504/506 of the Indian Penal Code and Section 45 of Bihar Prohibition and Excise Act.

As per the prosecution case, 41 named accused persons including these petitioners and 150-200 unknown persons attacked the police party and also prevented them from



discharging their official duty.

It is submitted that allegation is omnibus in nature. Specific allegation of assault has been made against other co accused person. It is further submitted that similarly co-accused persons have already been granted bail by this Court vide order dated 16.03.2021 passed in Cr. Misc. No. 3887 of 2021. Chargesheet has already been submitted in this case. Petitioners are in custody since 22.09.2020 and bear clean antecedents.

Considering the nature of allegation and that the chargesheet has already been submitted in this case, the bail petition of the petitioners is allowed. Let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Siwan, in connection with G.B. Nagar P.S. Case No. 251/2020, subject to following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be



cancelled by the Court below.

(2) If the petitioners tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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