

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6005 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- ARARIA District- Araria

1. MD. SHAMSAD S/o Late S. K. Masiful @ Shikh Masiful @ Masheful Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
2. AMIR UDDIN S/o Late S. K. Masiful @ Shaikh Masiful @ Masheful Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
3. IRSHAD S/o Late S. K. Masiful @ Shaikh Masiful @ Masheful Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
4. ALAM S/o Shamsad Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
5. HARISH S/o Md. Ashfaque Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
6. BARIK S/o Md Ashfaque Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
7. MD. MOBARAK @ MOBARAK S/o Md. Ashfaque Resident of Village- Surjapur Ward No.15, P.S.- Araria Baigachi, Distt- Araria.
8. Samad S/o Late Yatim R/o Village- Satbitta Ward No.12, P.s.- Jokihat, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks



permission to withdraw this application with regard to petitioner No. 3 namely, Irshad, as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 3 namely, Irshad is dismissed as withdrawn.

The petitioner Nos. 1, 2 and 4 to 8 are apprehending their arrest in Araria P.S. Case No. 471 of 2020 registered under Sections 147, 149, 341, 323, 379, 324, 325, 307, 506, 504 of the Indian Penal Code.

Allegedly, in the backdrop of petty feud, an altercation took place between the parties and in consequence thereof, the accused persons having armed, started abusing and assaulting him the informant and his son, as a result of which, the informant sustained injury and the hand of informant's got fractured.

It has been submitted on behalf of the petitioners Nos. 1, 2 and 4 to 8 that the petitioner Nos. 2, 3 & 8 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. The alleged occurrence is said to have taken place on 14-06-2020 and the case was instituted on 18-06-2020. The delay in instituting the FIR has not been explained by the prosecution. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has



not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner Nos. 1, 2 and 4 to 8 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner Nos. 1, 2 and 4 to 8, above named, 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 their personal bond to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 471 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 1, 2 and 4 to 8 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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