

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3340 of 2021

Arising Out of PS Case No.-66 Year-2020 Thana- KONCH District- Gaya

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1. Shamshuddin Miya @ Samsu Mian @ Md. Shamshuddin, aged about 50 years, Male, Son of Late Elahi Mian.
 2. Md. Moin Mian, aged about 67 years, Male, Son of Late Elahi Mian.
 3. Tabrez Alam @ Md. Tabrez, aged about 20 years, Male, Son of Ali Imam.
 4. Md. Parvez, aged about 20 years, Male, Son of Ali Imam.
 5. Md. Suraj Mian @ Suraj Raj, aged about 20 years, Male, Son of Naim Mian. All Resident of Village- Amwan, PS- Konch, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. On 25.05.2021, the application on behalf of petitioners no. 3, 4 and 5, namely, Tabrez Alam @ Md. Tabrez; Md. Parvez and Md. Suraj Mian @ Suraj Raj, was withdrawn and thus, restricted to petitioners no. 1 and 2, namely, Shamshuddin Miya @ Samsu Mian @ Md. Shamshuddin and Md. Moin Mian.

3. Heard Mr. Surendra Kumar Singh, learned counsel for the petitioners no. 1 and 2 and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.



4. The petitioners no. 1 and 2 apprehend arrest in connection with Konch PS Case No. 66 of 2020 dated 12.03.2020, instituted under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 153A of the Indian Penal Code.

5. The allegation against the petitioners is that during a cultural programme, on the eve of Holi, the petitioner no. 1 had hit on the head of the informant with rod causing injuries and the petitioners were armed with *garasa*, spear, gun, iron rod and sword and had assaulted resulting in injury to five persons and they had also snatched gold chain from the informant's neck.

6. Learned counsel for the petitioners submitted that the dispute occurred due to some fight between children of the two sides and for the same incident, petitioner no. 1 has lodged Konch PS Case No. 60 of 2020 on the same day under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 153A of the Indian Penal Code. It was submitted that the injuries were sustained on both sides and all are simple and superficial in nature. In support thereof, learned counsel drew the attention of the Court to copies of the injury reports, which have been annexed with the petition, of the persons in both the cases. However, it was submitted that the dispute has since been amicably settled and there is peace between the parties. Learned counsel submitted that the petitioners have no criminal



antecedent and it was a minor misunderstanding between the parties.

7. Learned APP submitted that there is allegation of assault causing injury. However, It was not controverted that for the same incident, there is a counter case and further that from the injury reports brought on record, it transpires that the same are simple in nature.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner 1 namely, Shamshuddin Miya @ Samsu Mian @ Md. Shamshuddin and petitioner no. 2 namely, Md. Moin Mian 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 learned 3rd Additional Chief Judicial Magistrate, Gaya in Konch PS Case No. 66 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 no. 1 and 2, (ii) that the petitioners no. 1 and 2 and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners no. 1 and 2 and (iii) that they shall co-operate with the



police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners no. 1 and 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners no. 1 and 2.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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