

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6910 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. KAMRE AZAM Son of Sarihul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 2. Arse Azam Son of Sarihul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 3. Azizu Azam Son of Abdul Mottif Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 4. Manjarul Azam Son of Late Abdul Razak Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 5. Kalim Javed @ Md. Kalim Javed Son of Raisul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 6. Nadeem Javed Son of Raisul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 7. Salim Javed Son of Raisul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 8. Naiyar Azam @ Md. Naiyar Azam Son of Raihul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 9. Rashid Son of Attiullah Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 10. Kashid Son of Attiullah Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 11. Ajmat Son of Attiullah Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 12. Khtibullah @ Md. Khatibullah Son of Sanaullah Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 13. Farhad Hussain @ Farhad Alam Son of Khatibaullah Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.
 14. Ladle Azam Son of Manjarul Azam Resident of Village - Guabari, P.S.- Kundwa Chainpur, Dist.- East Champaran.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Neeraj Kumar Alias Sanidh, Advocate.
For the State	:	Ms. Pushpa Sinha-1, A.P.P.
For the Informant	:	Mr. Prateek Tandon, Advocate.



**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 its notes dated 21.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner nos.3, 4, 8, 9 and 12, above named, either have surrendered before the court below or have already been arrested by the police in this case and, as such, this application, in respect of the petitioner nos.3, 4, 8, 9 and 12, above named, to grant them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner nos.3, 4, 8, 9 and 12, above named.

Permission is accorded.

This application in respect of the petitioner nos.3, 4, 8, 9 and 12, above named, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, to grant them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.1, 2, 5, 6,



7, 10, 11, 13 and 14, above named, and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, apprehend their arrest in connection with Kundwa Chainpur P.S. Case No.105 of 2020 registered under Sections 147, 148, 149, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of the Sub Divisional Judicial Magistrate at Dhaka (East Champaran).

The accusation is that on 12.07.2020, quarrel started in the village between Nashim and Rahimul Azam. Sabir Ahmad, the cousin of the informant Md. Zunaid, was pacifying the dispute. When Sabir Ahmad was returning to his house, in the way, 20 persons, named in the F.I.R., including the petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, along with 10-12 unknown having gun, Nalkatti, lathi and Farsa in their hand surrounded him and on the order of Raisul Azam, Salim Javed (petitioner no.7) and Sarfe Alam caused injury through Nalkatti and gun to him, who sustained injury at his belly and he fell down. When Parvej Alam, Kajim, Nasir Alam and Sanaullah rushed to save Sabir Ahmad, then Raisul Azam caused injury at



the head of Parvej through Farsa. Sariful Azam caused injury at the head of Kajim through Farsa. Kamre Azam caused injury at the head of Nasir Alam. Ladle Azam caused injury at the head of Sanaullah through iron rod. Sabir Ahmad, who sustained firearm injury, was rushed to Referral Hospital Dhaka from where he was referred to Motihari, who died in course of treatment.

Learned counsel for the petitioner nos. 1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, submits that while the aforesaid petitioners are named in the F.I.R. but no specific overt act is attributed to the aforesaid petitioners. Further submission is that due to some dispute, the occurrence of “Maar-Peet” took place between the parties in which the side of the aforesaid petitioners also sustained injury regarding which on the basis of the fardbeyan of the co-accused Raisul Azam, Kundwa Chainpur P.S. Case No.106 of 2020 was also instituted against the prosecution party.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, I am not inclined to grant anticipatory bail to the petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named. Accordingly, the prayer of the



petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, for grant of anticipatory bail stands rejected. However, the petitioner nos.1, 2, 5, 6, 7, 10, 11, 13 and 14, above named, are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

