

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6300 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- DARAUNDA District- Siwan

1. Shamsheer Ali, aged about 19 years (M), Son Of Allaudeen Mian @ Allaudeen Ansari, Resident Of Village Mura, P.S-Daraunda, District-Siwan.
2. Kaushar Ali, aged about 24 years (M), Son Of Allaudeen Mian @ Allaudeen Ansari, Resident Of Village Mura, P.S-Daraunda, District-Siwan.
3. Rustam Ali, aged about 18 years (M), Son Of Raju Hussain, Resident Of Village Mura, P.S-Daraunda, District-Siwan.
4. Ali Imam Hussain, aged about 28 years, (M), Son Of Jahangir Mian, Resident Of Village Mura, P.S-Daraunda, District-Siwan.
5. Samshad Ali, aged about 19 years (M), Son Of Maulladeen Mian, Resident Of Village Mura, P.S-Daraunda, District-Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, learned counsel for the petitioners is permitted to make necessary correction in the name of petitioner no. 4.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case



for the offence registered under Sections 341, 323, 324, 307, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 13.07.2020 at about 11.00 A.M., in the morning, when the informant was going to Gopalganj on Magic vehicle with Mango then Allauddin Miya, Raju Hussain, Jahangir Miyan and Mauladdin Miya came near the vehicle and started abusing him. When he returned from Gopalganj at about 6.30 P.M. then again all the accused stopped the vehicle and pulled him down, Samshad Ali and Naushad Ali assaulted him with knife causing ear and head injury. When his grand-son, namely, Rahul Kumar Kushwaha came to rescue him, Ali Imam Hussain having Farsa and Kaushar Ali having knife attacked on him and Kaushar Ali assaulted with knife on the neck of Rahul Kumar Kushwaha and in course of saving himself, he sustained injury on the hand. Again his grand-son, namely, Anish Kumar Kushwaha, came to rescue him then Samsher Ali having Daab and Rustam Ali having knife attacked on Anish Kumar Kushwaha and Rahul Kumar Kushwaha, as a result of which, Anish Kumar Kushwaha sustained injury on the forehead. Thereafter, injured were brought to P.H.C. Daraunda for their treatment.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. The case has been instituted after two days of the alleged occurrence. Nature of injury is said to be simple in nature. No offence under Section 307 of the I.P.C. is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners 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 the learned Judicial Magistrate-Ist Class, Siwan, in connection with Daraunda P.S. Case No. 181/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall



furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each only 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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