

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8161 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- KEWATI District- Darbhanga

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1. Md. Jabir @ Jabir, son of Late Md. Illiyas
 2. Md. Tahseen, son of Md. Jabir @ Jabir
 3. Md. Guddu, son of Late Md. Touheed
All resident of village – Bishanpur, Sarjapur, P.S. - Keoti, Distt-Darbhang.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 Heard Ms. Shama Sinha, learned counsel for the
petitioners and Ms. Gulnar Begum, learned APP for the State.

At the outset, learned counsel for the petitioners informs
that petitioner no. 1 has already been arrested, hence, the
application on his behalf stands infructuous.

The petitioner nos. 2 & 3, in the present case, are
seeking pre-arrest bail in connection with CRI – 1708/2020 arising
out of Keoti P.S. Case No. 67 of 2020 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 338, 307,
379, 504, 506 of the Indian Penal Code. They have no criminal
antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, it is alleged that the
accused persons abused the informant side on the issue of
construction of road, and when the informant objected then Md.



Tahseen, Md. Jabir and Md. Aftab assaulted the informant by means of bricks. On 14.06.2020 again, all the accused persons had assaulted the informant, his nephew and his brother.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that there is land dispute between the parties and petitioner no. 1 of this case had lodged the counter case in which there were specific allegations against one Barkat Ali and Md. Shakeel.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case wherein both the parties have indulged in a free fight and seems to have assaulted each other, petitioner no. 1 of this case had lodged a counter case in which there were specific allegations against one Barkat Ali and Md. Shakeel, however, they have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 1937/2021 after noticing that there was a delay of seven days in lodging of the F.I.R., in the present case also there is a delay of seven days and learned A.P.P. for the State is unable to controvert the submission of learned counsel for the petitioners that the injuries were on both sides, in the circumstances, this Court is inclined to direct that in the event of



their arrest or surrender within a period of four weeks from today, let the petitioner nos. 2 & 3 namely, Md. Tahseen and Md. Guddu be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VII, Darbhanga in connection with CRI- 1708/2020 arising out of Keoti P.S. Case No. 67 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

