

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10461 of 2021**

Arising Out of PS. Case No.-407 Year-2020 Thana- MASHRAK District- Saran

1. RAJ MOHAMMAD Son Of JALIL MIYAN Resident Of Village -Harpur Jaan, Pawariya Tola, P. S. - Mashrak, District - Saran.
2. SONA ALAM S/O RAFIQUE MIYAN Resident Of Village -Harpur Jaan, Pawariya Tola, P. S. - Mashrak, District - Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms. Nirmala Kumari, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Mashrak P.S. Case No. 407 of 2020 registered for the offences punishable under Sections 148, 148, 149, 341, 323, 307, 324, 325, 504, 506, 188 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, on 18.4.2020 at 5:00 pm the petitioners with all other co-accused persons armed with sword, farsa, rod in their hands came to the field of informant where he was uprooting the grass and started assaulting him, consequently, informant got badly injured and fell on the ground. On alarm the pattidar of the informant came to save him, thereupon, accused



persons assaulted them also.

Learned counsel submits that the petitioners are innocent and has falsely been implicated in the present case. It is further submitted that there is general and omnibus allegation against these petitioners. It is further submitted that both sides have received injuries. There is counter case also from the petitioners' side and petitioners' side have also received injury. It is further submitted that similarly situated co-accused have been granted bail by learned coordinate Benches of this Court. Petitioners are in custody since 19.7.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that these petitioners are named among the fifteen persons in First Information Report, the allegations are general and omnibus, there is a counter case also from which it would appear that the present petitioners' side have suffered injuries and further several co-accused similarly situated have been granted bail by learned coordinate Benche of this Court in Cr. Misc. No. 33639 of 2020, the petitioners are in custody since 19.7.2020 and they have otherwise no criminal antecedent, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Saran at Chapra in connection with Mashrak P.S. Case No. 407 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

