

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15350 of 2021

Arising Out of PS. Case No.-327 Year-2020 Thana- FORBESGANJ District- Araria

1. MD SHABBIR Son of Late Md. Sarfuddin Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
2. Md. Ijrail Son of Late Md. Sarfuddin Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
3. Md. Jabir Son of Late Md. Sarfuddin Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
4. Md. Saddam Son of Md. Ijrail Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
5. Md. Usman Son of Md. Ijrail Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
6. Gulafasa @ Gulsa Daughter of Md. Sabbir Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
7. Nisha @ Nisha Khatoon Daughter of Md. Sabbir Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
8. Bechni @ Bechani Khatoon W/o of Md. Jabir Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.
9. Aisha @ Aisha Khatoon Daughter of Md. Sabbir Resident of Village- Baghmara, Ward No.04, Police Station- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-01-2022 Heard Mr. R. K. Jha, learned advocate for the

petitioners and Mr. Suraj Kumar, learned counsel for the

informant. The State is represented by Mr. Surendra

Kumar, learned APP.



The application for bail of petitioner no. 3 was earlier dismissed as having become infructuous.

The petitioner nos. 1, 2 and 4 to 9 seek bail in anticipation of their arrest in connection with Forbesganj P. S. Case No. 327 of 2020, instituted for the offences under Sections 447, 448, 147, 148, 149, 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

So far as the aforesaid petitioners are concerned, there is a general and omnibus allegation of their assaulting the members of the prosecution party. One Hakiman is said to have caused the grievous injury on one of the four victims, who is not one of the petitioners in the present application.

The learned advocate for the petitioners has further submitted that there is a counter version of the occurrence also and persons from the side of the petitioners have also received injuries.

Most of the accused persons of the counter case have been released on bail.



The learned advocate for the petitioners, therefore, submits that in the event of the parties being agnates and the dispute having arisen over cutting of bamboo cluster, the petitioners would never have intended to cause any life-threatening injury and, therefore, they should be enlarged on anticipatory bail.

True it is that the accusation against all the petitioners is general and omnibus but considering the fact that four persons have been injured, out of whom one, a woman, has suffered grievous injury, I am not inclined to grant anticipatory bail to petitioner nos. 1, 2, 4 and 5.

Their prayer for anticipatory bail is rejected.

However, if the petitioner nos. 1, 2, 4 and 5 surrender before the court below and seek bail, their application shall be considered on its own merits, taking into account the fact that there is no specific accusation against them, they have clean antecedents and that there is a counter version of the occurrence, and an



order shall be passed, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

Taking but into the account the gender of petitioner nos. 6, 7, 8 and 9, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned I/C Chief Judicial Magistrate, Araria, in connection with Forbesganj P. S. Case No. 327 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands disposed off.

(Ashutosh Kumar, J)

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