

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27937 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- KHAGARIA District- Khagaria

1. MD. ASAD @ MD. ASAD RAHMANI Son of Md. Khalil Rahmani
Resident of Village - Jalkoura, P.S.- Khagaria (Gangour), Distt.- Khagaria.
2. MD RABI @ MD RABI UR RAHMAN Son of Md. Wajih Ur Rahman
Resident of Village - Jalkoura, P.S.- Khagaria (Gangour), Distt.- Khagaria.
3. MD RIYAZ @ SAIYAD RIYAJ AHMED @ MD RIYAZ AHMED Son of
Nabi Ahmed Resident of Village - Jalkoura, P.S.- Khagaria (Gangour),
Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nasim Yahya

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-05-2022 Heard Mr. Nasim Yahya, learned Advocate for
the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Khagaria (Gangour) P.S. Case No. 265 of 2020, G.R. No. 976/20 instituted for the offences under Sections 147, 148, 149, 323, 506, 504, 379 and 307 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

It has been submitted that 18 persons have been made accused in this case.



On the orders of one Jiyaaur Rahman, Khalikur Rahman is said to have assaulted the informant on his head which caused grievous injuries to him. When the brother of the informant, viz. Md. Minna came to his rescue, he too was assaulted by the petitioner by means of an iron rod.

The learned Advocate for the petitioner has submitted that apart from the petitioner being named in the FIR, no specific accusation has been levelled against him.

Apart from this, it has been submitted that Khalikur Rahman has also filed a case against the informant and others vide Khagaria (Gangaur) P.S. Case No. 266 of 2020.

An occurrence took place at the time of construction over a plot of land in which many persons have been made accused in this case.

The petitioner as well as the informant are neighbours and only because an occurrence took place, all the persons who were from either of the side have been made accused in respective cases.

The petitioner does not have criminal antecedents.

Some of the other accused persons of this case



have been granted anticipatory bail by this Court vide orders dated 07.04.2021, 22.02.2022 and 28.02.2022 passed in Cr. Misc. No. 36095 of 2020, Cr. Misc. No. 11764 of 2021 and Cr. Misc. No. 15203 of 2021 respectively.

Regard being had to the afore-stated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangour) P.S. Case No. 265 of 2020, G.R. No. 976/20 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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