

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28958 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- KADWA District- Katihar

1. TUFAIL AHMAD Son of Shahanshah Ahmad Resident of Village - Gandhi Nagar Sonaili, P.s.- Kadwa, Distt.- Katihar.
2. Md. Arman @ Arman Ali Son of Shahanshah Ahmad Resident of Village - Gandhi Nagar Sonaili, P.s.- Kadwa, Distt.- Katihar.
3. Md. Saddam @ Saddam Hussain Son of Shahanshah Ahmad Resident of Village - Gandhi Nagar Sonaili, P.s.- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yatindra Narayan
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-09-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 353, 188, 436, 307, 356, 171(G), 171(H), 379, 504, 506 of the Indian Penal Code.

The prosecution case, in short, is that on 29.11.2021, the accused persons including these petitioners were making obstruction in panchayat election proceeding and in consequence thereof, occurrence of assault is alleged to have taken place, in which, C.O. and other police personnel sustained injury.



It is submitted on behalf of petitioners that allegation of commission of assault is general and omnibus. No specific overt act is alleged against these petitioners. As a matter of fact, a scuffle took place at election booth between the police and accused persons, in which, altogether 39 named and 200-250 unknown persons have been made accused. The injury is simple in nature, as per supplementary affidavit filed on behalf of petitioners. Petitioners have got clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Katihar in connection with Kadwa P.S. Case No. 280 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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