

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38735 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- CHHATAPUR District- Supaul

1. Md. Firoj Alam @ Md. Firoj Haji @ Haji Md. Firoj Alam, aged about 61 years, male, S/o Ishak R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul.
2. Md. Sah Alam @ Sah Alam, aged about 62 years, male, S/o Ishak R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul
3. Md. Jiyaaur Rahaman @ Jiyaaul Rahaman aged about 58 years, male, S/o Ishak R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul
4. Md. Phoolhasan, aged about 53 years, male, S/o Ishak R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul
5. Md. Aslam, aged about 22 years, male, S/o Md. Jiyaaul Rahamand @ Jiyaaul Rahaman R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul
6. Md. Mumtaz @ Md. Mumtaz Alam, aged about 23 years, male, S/o Md. Jiyaaul Rahaman @ Jiyaaul Rahaman R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul
7. Md. Laddu @ Md. Laddu Alam Mansur, aged about 28 years, male, S/o Mohammad Sah Alam @ Sah Alam R/o village- Ramnagar, Inderpur, Hariharpur, Ward No. 13, P.S.- Chhatapur, District- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arun, Adv.
For the State	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 31-05-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor (for brevity APP) appearing for
the State of Bihar.

Learned counsel for the petitioners is expected to honour



his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioners apprehend arrest in *Chhatapur PS Case No 283* of 2020 registered for the offence punishable under Sections 341, 323, 324, 307, 447, 504, 506/34 of the Indian Penal Code.

Over a heated exchange in respect of political fortunes of certain candidates in the last election, it is alleged that the petitioners along with others have assaulted the informant and his family members.

It is submitted by the petitioners' counsel that even as per prosecution case, the cause for the occurrence is a heated political discussion. The same has given rise to two cases, one lodged by the instant accused side against the present prosecution parties. The same is bearing *Chhatapur P. S. Case No. 282* of 2020. Further submission is that as per prosecution case, the specific allegation of assault is levelled against four accused persons, namely, Md. Kausher, Md. Ijhar, Md. Naushad and petitioner No 4, namely, Md. Phoolhasan. Petitioner No.1 is informant of the counter case.

Petitioners' counsel submits that the allegation in so



far as the petitioner No.4 is concerned, is belied by the injury report (Annexure-2), which has opined the injury to be simple in nature. It is further submitted that the petitioners have earlier been implicated in a case arising out of Section 498A of the Indian Penal Code. In respect of petitioner No.3, it is submitted that he has also been implicated earlier in a case under Section 376 of the Indian Penal Code.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that injury stands corroborated during investigation against petitioner No.4, namely, Md. Phoolhasan and having regard to the antecedent of the petitioner No.3, namely, Md. Jiyaar Rahaman @ Jiyaal Rahaman this Court is not inclined to grant anticipatory bail to petitioner Nos. 3 and 4. Prayer for bail is rejected.

Prayer for bail on behalf of petitioner Nos. 1 (Md. Firoj Alam @ Md. Firoj Haji @ Haji Md. Firoj Alam) 2 (Md. Sah Alam @ Sah Alam), 5 (Md. Aslam), 6 (Md. Mumtaz @ Md. Mumtaz Alam) and 7 (Md. Laddu @ Md. Laddu Alam Mansur) is allowed. Let the petitioner Nos. 1,2,5,6, and 7, above named, in the event of their arrest or surrender within four weeks from today, be released on bail on their furnishing bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of Chief Judicial Magistrate, Supaul, in connection with *Chhatapur PS Case No 283* of 2020, subject to the conditions as laid down under Section 438(2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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