

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39478 of 2021**

Arising Out of PS. Case No.-88 Year-2019 Thana- HASANGANJ District- Katihar

1. MD. NURUL S/O BUL MAHAJAN @ BULMAJAN R/O VILLAGE-HARKHAPOKHAR, P.S-HASANGANJ, DISTRICT-KATIHAR.
2. MAHFUJ ALAM S/O ABDUSH SAMED R/O VILLAGE-HARKHAPOKHAR, P.S-HASANGANJ, DISTRICT-KATIHAR.
3. MUKHTAR ALAM S/O ABDUSH SAMED R/O VILLAGE-HARKHAPOKHAR, P.S-HASANGANJ, DISTRICT-KATIHAR.
4. MD. ALAM S/O BUL MAHAJAN @ BULMAJAN R/O VILLAGE-HARKHAPOKHAR, P.S-HASANGANJ, DISTRICT-KATIHAR.
5. MD. KALAM S/O BUL MAHAJAN @ BULMAJAN R/O VILLAGE-HARKHAPOKHAR, P.S-HASANGANJ, DISTRICT-KATIHAR.
6. MD. RUHUL S/O BUL MAHAJAN @ BULMAJAN R/O VILLAGE-HARKHAPOKHAR, P.S-HASANGANJ, DISTRICT-KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimal Kumar, Adv.  
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP  
Mr.Sanjeev Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      21-03-2022              Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners



seeks permission to withdraw the prayer for anticipatory bail on behalf of the petitioner no.1, as he has died during pendency of this application.

Permission is granted.

The prayer for anticipatory bail as against petitioner no.1 is dismissed as withdrawn.

Now the present application is being heard for consideration of bail as against the rest of the petitioners.

The petitioner nos.2 to 6 apprehend their arrest in a case in connection with Hasanganj P.S. Case No.88 of 2019, registered for the offence punishable under Sections 341, 323, 324, 307, 504/34 of the IPC and section 302 IPC was added subsequently.

The allegation against the petitioners is that they armed with deadly weapons came to the door of the informant and abused him asking as to why his nephew went to play cricket with their children and why not he withdrew the case lodged against the accused persons earlier. Thereafter, they indiscriminately assaulted the informant and his family members, who came there to rescue.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case due to prior enmity. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the said occurrence, there is a case and counter-case between the parties and in fact the present case is the counter-blast of Hasanganj P.S. Case No.87 of 2019. Several similarly situated co-accused have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.07.2020 passed in Cr. Misc. No.13765 of 2020. Petitioner nos.2 and 3 have no criminal antecedent, and petitioner nos.4, 5 and 6 have one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted anticipatory bail and there is no specific allegation against the petitioners, let the above named petitioner nos.2 to 6, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/Successor Court in connection with Hasanganj P.S.  
Case No.88 of 2019, subject to the conditions as laid down  
under Section 438(2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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