

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40879 of 2021**

Arising Out of PS. Case No.-400 Year-2021 Thana- FORBESGANJ District- Araria

1. GUDDU @ MD AZHAR Son of Sekh Akhtar @ Akhtar Husain Resident of Village- Purwari Jhirwa Ward No.09, Police Station- Simraha, District- Araria.
2. Md. Musa Son of Late Tasir Resident of Village- Purwari Jhirwa Ward No.09, Police Station- Simraha, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 08-03-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Forbesganj (Simraha) P.S. Case No. 400 of 2021, for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 188, 353, 224, 225, 504 and 506 of the Indian Penal Code.

The allegation is that petitioners along with 23 co-accused persons as well as 8 to 10 unknown persons attacked on the Police personnel. The allegation against the petitioners is of drug peddler and wanted in Raniganj P.S. Case No. 132 of 2021,



under Sections 21(b), 22(b), 25 of the NDPS Act.

Learned counsel appearing on behalf of the petitioners submits that no specific allegation of assault has been made against the petitioners, which is fatal in nature. The petitioners are in custody since 08.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, this Court finds there is no specific allegation against the petitioners to have assaulted the Police or have prevented them from discharging their official duty. Without going into the merits of case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case No. 400 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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