

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35600 of 2022

Arising Out of PS. Case No.-659 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. SALAUDDIN @ SALAUDDIN ANSARI Son of Ali Ahmad Resident of village - Bhitbharwa, P.S.- Gopalganj Town, District - Gopalganj.
 2. Rabe Alam @ Rabe Alam Ansari Son of Ali Ahmad Resident of village - Bhitbharwa, P.S.- Gopalganj Town, District - Gopalganj.
 3. Ibrahim @ Ibrahim Ali Son of Mohan Miyan Resident of village - Bhitbharwa, P.S.- Gopalganj Town, District - Gopalganj.
 4. Abbu Salam @ Abdul Salam Son of Md. Hamid Ansari Resident of village - Koinee, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the informant	:	Mr. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioners are accused in connection with

Gopalganj P.S. Case No. 659 of 2020 under Sections 307, 324,

147, 148, 149, 323 and 504 of the Indian Penal Code.

As per the prosecution story, the informant has

alleged that the previous night, one Sabran Ali and his family



members had fight with the Salauddin and Istekhar and due to the same, on 23.11.2020, all the accused persons including the petitioners herein (four in numbers) came variously armed and thereafter on the exhortion accuseds, Ishtekhar and Salauddin, it is alleged that Ishtekhar assaulted Haider Ali by sword causing injury on his head. The further allegation against Israfil is of assaulting him by '*farsa*' on his head. The FIR continued stating that Ibrahim assaulted Rizwana Praveen while others assaulted Sabran. His further allegation is that Abdul Salam gave injury by assaulting him with '*rod*'. They were subsequently taken to Gopalganj hospital.

Learned counsel for the petitioners submit that so far as petitioner nos. 1 and 2 are concerned, nothing specific has been alleged against them and considering the fact that they are in custody since 19.04.2022, they deserve bail. So far as petitioner nos. 3 and 4 are concerned, he concedes that there is specific allegation against them of assaulting the informant's side.

Per contra, learned counsel for the informant submits that all of them have criminal mind and they had assembled to assault the informant's side and as such none of them deserve bail.



Considering the fact that there is specific allegation against petitioner nos. 4, namely, Abbu Salam @ Abdul Salam, this Court for the present is not inclined to grant him privilege of bail, which is accordingly rejected.

So far as petitioner no. 3, namely, Ibrahim @ Ibrahim Ali is concerned, learned counsel for the informant, namely, Mr. Javed Aslam submits that he had assaulted Rizwana Praveen and the Doctors have found the said injury to be grievous in nature. Although, the said injury report is not on record, the statement of Mr. Javed Aslam is taken on record and on that ground alone that the injuries have been found to be grievous in nature, the bail application of petitioner no.3 Ibrahim @ Ibrahim Ali too is rejected for the present.

So far as petitioner nos. 1 & 2, namely, Salauddin @ Salauddin Ansari and Rabe Alam @ Rabe Alam Ansari are concerned, there is nothing specific against them only terming them as members of the mob, they are in custody since 19.04.2022 as also the fact that charge sheet stands submitted, this Court is inclined to grant them privilege of bail.

Let the petitioner nos. 1 & 2, namely, Salauddin @ Salauddin Ansari and Rabe Alam @ Rabe Alam Ansari be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 659 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

With the aforesaid observations, the bail application of petitioner nos. 1 and 2 is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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