

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56888 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- HATHAURI District- Muzaffarpur

1. MD MUMTAZ @ MUMTAZ S/o- MD FAROOQUE Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
2. Md. Murtaza @ Jumman Son of Md. Hakim Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
3. Mahboob Alam @ Sonu Son of Md. Tufal Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
4. Ashlam Son of Abdul Bari Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
5. Sadan @ Saddam Son of Md. Murtaza @ Jumman Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
6. Mansoor @ Mansoor Alam Son of Tufail Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
7. Rashid @ Md. Rashid Son of Hasnain Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
8. Atikur Rahman Son of Md. Muslim Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
9. Tanvir Alam Son of Atikur Rahman Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
10. Shaheed Akbar @ Chikku Md. Ashraf Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
11. Md. Bikau @ Hasan Mahmood Son of Md. Anjaar Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
12. Tamanna Son of Md. Anjaar Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
13. Nasim Son of Rizwan Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
14. Rizwan Son of Suleman Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
15. Md. Tufail Son of Md. Ajij Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
16. Masluddin Son of Ejajul Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
17. Chhitan Son of Ejajul Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.
18. Gulla @ Tajuddin Son of Ejajul Resident of Village- Khanupur, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57511 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- HATHAURI District- Muzaffarpur

1. SAUD @ MD SAUD Son of Md. Tufail Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
2. Naz @ Md. Naz @ Shaki Ahmad Son of Tunne Warai Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
3. Md. Shaheed @ Sayeed Son of Tunne Warai Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
4. Md. Aquil Son of Tunne Warai Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
5. Sarfaraz @ Md. Sarfaraz Son of Tunne Warai Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
6. Aftab Alam Son of Md. Ramjani Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
7. Faizan Son of Ehsan Warai Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
8. Md. Bhola @ Bhola Son of Fajahim Waraipatti Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
9. Md. Ali Son of Md. Bhola @ Bhola Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
10. Mister @ Md. Mister Son of Badre @ Nanko Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
11. Saukat @ Md. Saukat Son of Md. Salam Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
12. Akbar @ Md. Akbar Son of Md. Salam Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.
13. Naz Son of Moti Resident of Village - Khanupur, P.s.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56888 of 2021)

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Anish Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 57511 of 2021)

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate



For the Opposite Party/s : Mr. Choubey Jawahar, APP
For the Informant : Mr. Anish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-08-2022 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State and perused the case diary.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 448, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioners along with 40-45 unknown co-accused persons came at the door of the informant and started abusing the family members of the informant and when the informant and his son protested, the accused persons started firing, causing bullet injuries to Qamar, Md. Mahmood, Ayaz and Riyaz Siddique, thereafter the accused persons started assaulting by means of lathi, danda and garasa.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that from perusal of the injury report, it appears that the injury is caused by hard and blunt substance to the injured Md. Mahmood, Riyaz Siddique and Ful Babu, which is simple in nature. In respect of fourth injured, the Medical



Board, constituted of three doctors, has not ascertained about injuries caused by which means and according to patient/injured, he sustained injury by fire arm (bullet). He further submits that there is case and counter case between the parties and general and omnibus allegation against them. Both parties have sustained injuries as alleged in separate incident.

Learned APP appearing for the State opposed the anticipatory bail.

Considering the aforesaid submissions, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, Judicial Magistrate, Ist Class, Muzaffarpur/concerned Court in connection with Hathauri P.S. Case No. 194 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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