

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47377 of 2022

Arising Out of PS. Case No.-224 Year-2019 Thana- BHARGAMA District- Araria

Najam @ Md. Najam Son Of Mangan @ Md. Jamadar R/O Village- Bishariya
Akarthapa, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the marriage of the daughter of the petitioner has been fixed on 18.11.2022 and the family of the petitioner is facing hardship.

Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Bhargama P.S. Case No. 224 of 2019 registered for the alleged offences under Sections 147, 148, 149, 341, 342, 323, 324, 354B, 307, 447, 478, 504 and 302 of the Indian Penal



Code.

As per the prosecution case, the informant, Md. Sajid named 24 persons and alleged that all 24 persons and many others unknown persons variously armed with different weapons were chasing the villagers of Dharapatti. On the orders of the co-accused Md. Yasin, another co-accused Md. Mangan shot an arrow which hit on the left ribcage of the father of the informant. Abid also shot arrow which hit on the abdomen of one Masudan. It is alleged that the accused persons entered into the house of the informant and others and looted away different articles after assaulting them. The petitioner is one of the named 24 accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is specific allegation against Md. Mangan who on the order of Md. Yasin shot arrow which hit the father of the informant and Abid also shot arrow which hit of Masudan. No specific allegation of assault is made against the petitioners. A number of co-accused persons have been granted bail by different Co-ordinate Benches. The petitioner is in custody since 13.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.



Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering that there is no specific allegation against this petitioner of any kind of assault and further considering the period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria, in connection with Bhargama P.S. Case No. 224 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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