

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9356 of 2021

Arising Out of PS. Case No.-823 Year-2020 Thana- ARARIA District- Araria

1. Md. Shahid, Male, age-26 years, S/o Md. Nasruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
2. Md. Mustafa, Male, age 28 years, S/o Md. Nasruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
3. Md. Mojahid, Male, age 24 years, S/o Md. Nasruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
4. Md. Zakir, Male, age 50 years, S/o Sahngu, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
5. Md. Basir, Male, age 55 years, S/o Md. Sahngu, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
6. Md. Jamruddin, Male, age 55 years, S/o Ulfat, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
7. Md. Alam, Male, age 18 years, S/o Md. Basir, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
8. Md. Farooq, Male, age 25 years, S/o Md. Jamruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
9. Md. Hasib, Male, age 22 years, S/o Md. Jamruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
10. Md. Rasid @ Rashid, Male, age 20 years, S/o Md. Jamruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
11. Md. Jahruddin, Male, age 52 years, S/o Md. Ulfat, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
12. Md. Daud @ Daud, Male, age 25 years, S/o Md. Jahruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.
13. Md. Qayam, Male, age 20 years, S/o Md. Jahruddin, Resident of Village - Buari Baad, Ward No. 7, P.S. - Araria, R.S. and Dist. - Araria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Anil Prasad Singh, Advocate
For the Opposite Party	:	Mrs. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned



counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Araria P.S. Case No. 823/2020 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379 and 504 of the I.P.C.

The prosecution story, in brief, is that on 29.02.2020 while the elder brother of the informant, namely, Javed, was coming to his house through Motorcycle from *Araria Market* and when he reached near the house of Md. Jakir, dashed with a cow and the cow received simple injury due to that reason at about 7.00 P.M., in the evening the accused persons armed with *Lathi-Danda* and *Iron rod* came at the house of the informant and started abusing and when Javed raised objection the accused persons started assaulting him and the accused Md. Masiya gave *digger blow* due to that Javed sustained injury upon his stomach. The accused Md. Tabu with intention to kill him, inflicted *Iron rod blow* upon the head of the elder brother of the informant and when the mother of the informant Ansari Khatoon came to rescue, the accused persons disrobed and also



snatched away her ornaments. The injured, elder brother of the informant, brought at Sadar Hospital, Purnea for treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The present case has been instituted after two days of the alleged occurrence. A petition has been filed on behalf of the informant in the learned court below where he has retracted from his earlier statement made in the F.I.R.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, in connection with Araria P.S.



Case No. 823/2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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