

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10786 of 2021

Arising Out of PS. Case No.-64 Year-2020 Thana- GURARU District- Gaya

1. MD. SHAKEEL SON OF LATE MD. SALAMAT MIAN RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
2. MD. AFTAB SON OF DASTAGIR RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
3. MD. AFTAB SON OF MD. ISTEYAK RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
4. MD. KAIFF SON OF MD. ISTEYAK RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
5. MD. SARWAR SON OF MD. MUSTAK RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
6. MD. AZIM SON OF MD. ABDUL HAQUE @ ABDU HAQUE RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
7. MD. KASIM SON OF MD. ABDUL HAQUE @ ABDU HAQUE RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
8. MD. ZASIM @ MD. NASHIM SON OF MD. ABDUL HAQUE @ ABDU HAQUE RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
9. MD. SHERAJ SON OF MD. WAHAB MIAN RESIDENT OF VILLAGE- JAKARIYA, P.S- KASMA, DISTRICT- GAYA
10. MD. IRFAN SON OF SHAKEEL RESIDENT OF VILLAGE- BHATPURA, P.S- KASMA, DISTRICT- GAYA
11. MD. MERAJ SON OF MD. WAHAB MIAN RESIDENT OF VILLAGE- BHATPURA, P.S- KASMA, DISTRICT- GAYA

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-01-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to



remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

A supplementary affidavit has been filed on behalf of the petitioners stating that during pendency of this application, petitioner no.1 has already been arrested. Hence, this application has become infructuous in regard to petitioner no.1.

Accordingly, this application is dismissed as infructuous in respect of petitioner no.1.

In the supplementary affidavit, it is further stated that so far as petitioner nos.2 to 9 and 11 are concerned, in the address portion of this application, district Gaya has wrongly been typed in place of district 'Aurangabad, as the above mentioned petitioners are resident of district Aurangabad. So far as petitioner no.10 is concerned, in the address portion, the name of village Bhatpura, P.S. Kasma, District Gaya has wrongly been typed in place of 'village Sudharshan Bigha, P.S. Guraru, District Gaya'.

Let the address of the above-mentioned petitioners be corrected and read accordingly.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 448 & 504 of the Indian Penal Code.

The accusation against the petitioners is that they along with other co-accused armed with lathi, danda and sharp edge weapon after forming mob are said have come near the informant, while he was sitting with another persons, and brutally assaulted them.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, there was free fight between two groups. The petitioners' side has also lodged a case against informant's side being Kasma P.S. Case No.46 of 2020. It is further submitted that the matter has been compromised between both the parties and regarding the aforesaid compromise, a compromise petition has been filed in the learned Court below. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.2 to 11, be released on



bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Guraru P.S. Case No. 64 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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