

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67512 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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1. MAHBUB @ MAHBOOB ALAM, Son of Md. Kasim, Resident of Village - Kharra, P.S.- Madhubani Town, Distt.- Madhubani.
 2. Md. Maqabool @ Md. Maqubool, Son of Md. Kasim, Resident of Village - Kharra, P.S.- Madhubani Town, Distt.- Madhubani.
 3. Md. Parwaiz @ Parwaiz Alam, Son of Mojibur Rahman, Resident of Village - Kharra, P.S.- Madhubani Town, Distt.- Madhubani.
 4. Md. Bhulla @ Karma Alam @ Kamre Alam, Son of Md. Moshin, Resident of Village - Kharra, P.S.- Madhubani Town, Distt.- Madhubani.
 5. Md. Gulab @ Badre Alam, Son of Md. Moshin, Resident of Village - Kharra, P.S.- Madhubani Town, Distt.- Madhubani.
 6. Shamse Alam, Son of Md. Moshin, Resident of Village - Kharra, P.S.- Madhubani Town, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioners and the

State.

Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Learned counsel for the petitioners seeks permission
to withdraw the bail application of petitioner nos. 1 and 2,
namely, **Mahbub @ Mahboob Alam and Md. Maqabool @
Md. Maqubool.**

Permission is accorded.



Accordingly, the bail application against petitioner nos. 1 and 2, namely, **Mahbub @ Mahboob Alam and Md. Maqabool @ Md. Maqubool**, is dismissed as withdrawn.

So far as the petitioner nos. 3 to 6 are concerned, they are apprehending their arrest in connection with Town P.S. Case No. 08 of 2021 for the offences under Sections 147, 148, 341, 323, 307, 379, 504, 506, 509 and 302 of the Indian Penal Code.

The deceased was assaulted by 12 named accused persons and 5-7 unknown persons by various weapons. The occurrence took place on 05.01.2021 and the deceased died on 09.01.2021. It is contended by the petitioners that no offence under Section 302 of the Indian Penal Code is made out against the accused persons and the post-mortem report also does not support the prosecution case.

Considering the submissions of the parties including the submission of the learned APP that it is the case under Section 302 of the Indian Penal Code and there are allegation against the petitioners.

In the opinion of this Court, if 17-20 persons assaulted to the deceased variously armed with weapons then some more injuries would have been caused and death should have been caused instantaneously.



In the facts of the case, the anticipatory bail application of petitioner nos. 3 to 6 is allowed.

Let, the petitioner nos. 3 to 6, namely, **Md. Parwaiz @ Parwaiz Alam, Md. Bhulla @ Karma Alam @ Kamre Alam, Md. Gulab @ Badre Alam and Shamse Alam**, in the event of arrest or surrender before the court below within one month from today, be released on 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 Chief Judicial Magistrate, Madhubani in connection with Town P.S. Case No. 08 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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