

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65848 of 2022

Arising Out of PS. Case No.-190 Year-2019 Thana- LODIPUR District- Bhagalpur

1. MD. MUNNA @ MD. MUNNI S/o Md. Jalal R/o Village- Sri Rampurdih Garhotiya, P.S.- Lodipur, Distt- Bhagalpur.
2. Md. Obaidullah S/o Md. Mohiuddin R/o Village- Sri Rampurdih Garhotiya, P.S.- Lodipur, Distt- Bhagalpur.
3. Md. Tehsam S/o Late Md. Khurshid R/o Village- Sri Rampurdih Garhotiya, P.S.- Lodipur, Distt- Bhagalpur.
4. Md. Kasim @ Abu Horaira S/o Late Md. Mamudh @ Maulana Abdul Mabud R/o Village- Sri Rampurdih Garhotiya, P.S.- Lodipur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147. 149. 149. 342. 232. 325. 307. 354(B), 298, 153(A), 448, 504, 506 279 and 337 of the Indian Penal Code and Sections 3 and 4 of the Explosive Substance Act.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that on 18.10.2019 Md. Ehsan dashed his maternal



grand-son by motorcycle the same was protested by his daughter, on which Md. Ravi, Md. Samsud, Md. Aashique and Md. Tajum threw his daughter in a pond after making her naked, further assaulted him and tried to drown him in the pond, further when his villagers Siru and Chandar came they were assaulted by lathi and rod causing fracture of hand, leg and body, thereafter a mob of 500-600 accused came who were led by petitioner no.4 and other named accused persons who created ruckus and even blasted bomb and petitioner nos.1 and 3 were identified as part of the mob.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that allegation against the petitioners are general and omnibus in nature, it is next submitted that specific allegations of assault do not allege but then from the FIR it can be culled that Ravi, Samsud, Ashique and Tajum were involved in the occurrence of assault of assaulting the informant and behaving inappropriately with his daughter, it is next submitted that the petitioner no.4 is alleged who have been leading the mob along with other named accused persons and petitioner nos. 1, 2 and 3 are said to be part of the mob with no specific allegation alleged against them, it is also submitted that purpose



of arrest is not to punish but to ensure that the investigation is not hampered and the petitioners will present himself as and when required by the Investigating Officer of the case for arriving at the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six 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 trial court where the case is pending/successor court in connection with Lodipur P.S. Case No. 190 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation or are not appearing when called for, the learned trial court after giving them an opportunity of hearing shall pass order in accordance



with law and shall also be entitled to cancel their bail bonds.

The learned trial court is directed to send a copy of
this order to the concerned Police Station.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

