

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53741 of 2023

Arising Out of PS. Case No.-252 Year-2014 Thana- NARPATGANJ District- Araria

1. Umar Farukh Son of Aminuddin Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
2. Azmat @ Md. Amantullah Son of Aminuddin Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
3. Nasir Sah @ Md. Nasiruddin Son of Late Wahid Sah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
4. Ishtiyaque Sah @ Ishiyaque Son of Haji Farmud Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
5. Afroz Shah @ Md. Afroz Alam Son of Haji Farmud Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
6. Shamad Shah @ Md. Samad Son of Md. Quddus Sah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
7. Ali Shah @ Alisher Son of Md. Quddus Sah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
8. Kari Sah @ Zakir Sah Son of Late Gafoor Sah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
9. Riyajul Shah @ Jamiluddin Son of Late Gafoor Sah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
10. Sattar Shah @ Sattar Son of Late Yunus Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
11. Lazim Shah @ Lazim Sah Son of Yunus Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
12. Equbal @ Md. Equbal Son of Late Ghani Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
13. Nasibullah @ Md. Nasibullah Son of Taiyab Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
14. Habibullah @ Md. Habibullah Son of Late Jamil Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
15. Nuro Shah @ Nuro Sah Son of Kari Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
16. Bechan Shah @ Rahimuddin Son of Kalim Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
17. Sharif Shah @ Karif Shah Son of Late Musay Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
18. Mujammil Son of Shamsul Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
19. Sarfaraz @ Md. Sarfaraz Son of Samad Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
20. Gaffar Shah @ Abdul Gaffar Son of Kuddus Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria
21. Aminuddin Shah Son of Late Gafoor Shah Resident of village - Khaira Gadhiya, P.S. - Narpatganj, Distt. - Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party



Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Narpatganj P.S. Case No. 252 of 2014 dated 09.07.2014, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 302, 337, 427, 504, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 08.07.2014 at about 5:00 pm, an altercation started between informant's brother and petitioner no. 2. In support of petitioner no. 2, all the other accused persons have come to the place of occurrence with *lathi*, rod and guns etc. It is further alleged that they brutally assaulted informant's brother and others who came to rescue the victim and they also looted the shops located nearby. All the injured persons were taken to the hospital but, the informant's brother died on the way.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is further submitted that the present case has been lodged against 24 named accused persons including the



petitioners. During the course of investigation, police granted bail to the petitioners. The Investigating Officer submitted charge-sheet under the bailable Sections. It is further submitted that all the offences are bailable in nature except 307 & 302 of I.P.C. It is also submitted that the accused Haji Farmod and Taiyab Sah were not sent up for trial but the learned Magistrate differing with the charge-sheet took cognizance under Sections 147, 148, 149, 341, 323, 307, 302, 337, 427 & 504 of the I.P.C. Lastly, it has been submitted that all the petitioners have clean antecedents.

5. Learned Chief Judicial Magistrate is directed to consider the case of the named petitioners if they appear before the Court below within eight weeks from today then the Court below shall consider the prayer for bail in accordance with law as deliberated in 2004(3) PLJR 491 (Mahendra Prasad Singh Vs The State of Bihar) and shall comply with the observations made in the said order.

6. The application stands disposed of with the aforesaid observations.

(Khatim Reza, J)

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