

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59128 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- SIMRI District- Darbhanga

1. MD. HARIK, S/o Abdul Hannan @ Hannan Sheikh, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
2. Md. Ashab Alam @ Md. Ahsab @ Ehsab, S/o Md. Junaid Alam @ Junail, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
3. Md. Gulrej, S/o Md. Manjoor Alam, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
4. Mohi @ Md. Mohi, S/o Late Md. Jaan @ Late Md. Mehdijaan Mehdi @ Late Md. Mehdi, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
5. Saif Ali @ Saiful Islam, S/o Md. Tamanna @ Tamanna, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
6. Md. Mozamil @ Md. Mazammil, S/o Md. Nazir @ Nazir, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
7. Md. Tanbir Alam @ Md. Hira, S/o Late Ahmad Ali, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.
8. Md. Shaukat Ali @ Shakat @ Sakat, S/o Moti, R/V- Kanshi Naya Tola, P.S.- Simri, Distt-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59242 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- SIMRI District- Darbhanga

Md. Ujjale, Son of Md. Mohi, R/O Village- Kanshi, Naya Tola, P.S.- Simri,
Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59128 of 2022)

For the Petitioner/s : Mr. Alok Kumar Sinha, Sr. Advocate
Mr. Bhola Kumar, Advocate
Mr. Ravi Shankar, Advocate

For the State : Mr. Parmanand Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 59242 of 2022)

For the Petitioner/s : Mr. Alok Kumar, Sr. Advocate



For the State : Mr. Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-03-2023 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 on resumption of physical mode.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 147, 148, 149, 323, 324, 307, 302, 504, 506 and 120B of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons including 5-7 unknown persons holding lethal weapons, Garasa, iron rod, spear and lathi came to the house of the informant with intent to kill and started abusing. In the meantime, Masrur Rehan inflicted blow of Garasa on the head of his daughter, Shofia Khatoon and she fell down. Then accused Gulrej and Gulab Harik assaulted her with lathi and rod indiscriminately. When the wife of the informant, Gulshan Ara came to rescue her, she was assaulted by Md. Ujjale with Garasa causing injury beside nose. Md. Mahboob assaulted on her head with intent to kill causing severe injury and she fell down. In such condition, the accused Md. Maroof @ Manjoor Alam @ Phul Babu and Md. Irshad started assaulting Gulshan Ara with rod and she started



groaning. When Faishal and Tausif came to rescue the injured persons, they were assaulted by Mozzamil and Saiful Islam with rod on his head. Then the accused Manjoor Alam assaulted on the head of the informant with Garasa causing cut injury. In that course Saukat, Mohi, Taukir, Hira and Jiyauddin started assaulting him. They looted household articles including ornaments.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is nothing in the F.I.R. to show that the petitioners assaulted the wife of the informant who died later on. Further, the specific allegation of assault of wife of the informant is against the other co-accused persons. As per post-mortem report, one lacerated stitched wound measuring 2"x ½ " x 1/8" was seen over left cheek, 1½" below left eye, left cheek was also swollen caused by hard and blunt substance. The informant also sustained simple injuries. The daughter of the informant Shofiya Khatoon also sustained three injuries which is simple in nature. The injury no. 1 is caused by sharp edged weapon and injury no. 2 and 3 are caused by hard and blunt substance. The injury of Md. Faishal is stated to be grievous in nature on his left cheek caused by hard and blunt substance.



Learned counsel has further submitted that there are 19 named and 5-7 unknown accused persons in the F.I.R. and only general and omnibus allegations have been levelled against the petitioners. He has further submitted that the co-accused persons Md. Taukir and Md. Jeyauddin have already been granted bail by the Coordinate Bench vide order dated 28.06.2022 passed in Cr. Misc. No. 64936 of 2021. The petitioner no. 1, 2 and 3 are accused in one more case and the rest of the petitioners have got clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 26.07.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances as well as the period of custody of the petitioners, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Darbhanga in connection with Simri P.S. Case No. 175 of 2021, with a condition :-

1. The petitioners are directed to remain physically present before the learned Court below on each and



every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of their bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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