

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60684 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- SULTANGANJ District- Bhagalpur

1. MD ALSAM @ MD ASLAM, son of late Md. Mansoor, Resident of Village - Kasimpur, P.s.- Sultanganj, District - Bhagalpur.
2. Seikh Badruddin, S/o Late Seikh Kadir, Resident of Village - Kasimpur, P.s.- Sultanganj, District - Bhagalpur.
3. Md. Aftab, Son of Md. Aslam, Resident of Village - Kasimpur, P.s.- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

The petitioners seek bail in connection with Sultanganj P.S. Case No. 206 of 2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 332, 333, 427, 379, 353 and 452 of the Indian Penal Code.

20 persons have been named in the FIR, which alleges that a mob has created obstruction in discharge of duty by the public servants who were at the site of construction of Aguwani bridge. The allegation is that two persons have sustained injuries.

Learned counsel for the petitioners submits that the petitioners are having clean antecedent. Petitioner Nos. 1 and 2 are



senior citizens aged about 60 years, whereas petitioner no. 3 is son of petitioner no. 1. The 20 persons who have been named in the FIR is based on records of ownership of the lands in respect of which certain protest is alleged to have been made. There is otherwise no basis for implication by name. Five of the persons who are implicated by name are in fact no longer alive. This fact is indicative of the falsity of the allegations. Two cases have been lodged arising out of the same occurrence including Sultangunj P.S. Case No. 203 of 2022 lodged by the Project Officer of Singhla Constructions. The petitioners have in fact no role in the alleged assault, which as per allegation has left simple injuries on two persons only. They are stated to be in custody since 01.07.2022. Investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the manner of implication, injuries as per allegation and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., I, Bhagalpur, in connection with Sultangunj P.S. Case No. 206 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii)That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners’ counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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