

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63753 of 2022

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

1. MD. MANJOOR ALAM @ PHUL BABU @ MD. MANJOOR ALA S/O AHMAD ALI Resident of village- Kanshi, Naya Tola, P.S.- Simri, District- Darbhanga.
2. MD. IRSHAD S/O MD. SOAIB Resident of village- Kanshi, Naya Tola, P.S.- Simri, District- Darbhanga.
3. MD. MAROOF S/O MAHMOOD ALAM @ MD. MAHMOOD Resident of village- Kanshi, Naya Tola, P.S.- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-04-2023 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 A.P.P for the State.

The petitioners have preferred this application for grant of regular bail in connection with Simri P.S. Case No. 175 of 2021 dated 22.06.2021 registered for the offences punishable u/s 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. Similarly situated co-accused has already been granted bail by the co-ordinate bench *vide* order dated 15.03.2023 passed in Cr. Misc. No. 59128 of 2022. The petitioner no. 3 is accused in one more criminal case and the rest of the petitioners have 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 vehemently opposed



the bail petition of the petitioners by submitting that the petitioners assaulted the head of the informant and also assaulted the informant's wife, causing simple injury.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, 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 the 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 bail bonds of the petitioners is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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