

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5059 of 2024

Arising Out of PS. Case No.-241 Year-2020 Thana- SINGHESHWAR District- Madhepura

1. MD. ISTAK SAH @ MD. ISTIYAK S/O MD. SHAMSHUL SAH R/O VILLAGE- JHITKIYA, WARD NO. 06, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
2. MD. ASFAK SAH S/O MD. SHAMSHUL SAH R/O VILLAGE- JHITKIYA, WARD NO. 06, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
3. MD. ASHIK ALAM @ ASHU S/O LATE MOTI-U-RAHMAN R/O VILLAGE- JHITKIYA, WARD NO. 06, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
4. MD. MASOOM @ MD. MASUM ALAM S/O LATE MOTI-U-RAHMAN R/O VILLAGE- JHITKIYA, WARD NO. 06, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
5. MD. AFTAB S/O JAKIR-U-DDIN @ BUDHAN R/O VILLAGE- JHITKIYA, WARD NO. 06, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
6. MD. MARAF @ ZULFAKAR ALAM @ MD. ZULFAKAR S/O JAKIR-U-DDIN @ BUDHAN R/O VILLAGE- JHITKIYA, WARD NO. 06, P.S- SINGHESHWAR, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard Mr. Pawan Kumar, learned counsel for the

petitioners and Mr. Yogendra Kumar, learned APP for the

State.

2. The petitioners are apprehending their arrest in

connection with Singheshwar P.S. Case No. 241 of 2020 for



the offence under Sections 341, 323, 324, 307, 448, 504, 506 and 34 of the I.P.C. lodged on 16.10.2020 by the informant, Monazir Alam.

3. As per the prosecution story, the informant has alleged that on the order of Md. Kaushal Alam, Md. Ashu @ Md. Ashik Alam (petitioner No. 03), Md. Kaifi gave knife blow, causing injury. Thereafter, the allegation is that Md. Zuyeb and Md. Masoom (petitioner No. 4) caught hold of the informant's brother and assaulted him with dagger and wooden rod causing injuries. The further allegation is against Md. Arshad and Md. Sartaj of having caught hold of the son of the informant and giving knife blow with an intention to kill. So far as the allegation against Md. Aftab (petitioner No. 5) and Md. Shoib are concerned they assaulted the informant's nephew Md. Amir Khushru with sharp-edged weapon causing injury. The FIR is accordingly lodged, alleging it to be due to land dispute.

4. Learned counsel for the petitioners submits that though allegations are there against petitioner No. 03 Md. Ashik Alam @ Ashu and petitioner No. 05 Md. Aftab of having assaulted the informant as also his brother, regarding



others the allegations are omnibus in nature.

5. Learned APP opposes the prayer stating that all of them with the common intention assaulted the informant, his brother, son and also the nephew and as such opposes the prayer.

6. Taking into account the submissions put forward by the parties, so far as the anticipatory bail application of petitioner No. 03 (Md. Ashik Alam @ Ashu and petitioner No. 05 (Md. Aftab) are concerned, the same stands rejected.

7. Regarding petitioner Nos. 1 (Md. Istak Sah @ Md. Istiyak), 2 (Md. Asfak Sah), 4 (Md. Masoom @ Md. Masum Alam) and 6 (Md. Maraf @ Zulfakar Alam @ Md. Zulfakar) are concerned, there is omnibus allegations against them and further petitioner Nos. 1, 2 and 6 do not have any criminal antecedent, as undertaken by the learned counsel for the petitioners, they will diligently appear in the trial.

8. Let the petitioner Nos. 1 (Md. Istak Sah @ Md. Istiyak), 2 (Md. Asfak Sah), 4 (Md. Masoom @ Md. Masum Alam) and 6 (Md. Maraf @ Zulfakar Alam @ Md.



Zulfakar) be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Madhepura in connection with Singheshwar P.S. Case No. 241 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner Nos. 1, 2, 4 and 6 should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner Nos. 1, 2, 4 and 6 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner Nos. 1, 2, 4 and 6 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner Nos. 1, 2, 4 and 6 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be



at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner Nos. 1, 2, 4 and 6 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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