

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69232 of 2023

Arising Out of PS. Case No.-180 Year-2021 Thana- PALANWA District- East Champaran

1. Sheikh Abid Hasan @ Sk. Abid Son of Late Sk. Mohammad Hasan R/o vill - Gad Bahuwari, P.S. - Palanwa, Distt. - East Champaran at Motihari
2. Imamul Hasan Son of Late Sk. Mohammad Hasan R/o vill - Gad Bahuwari, P.S. - Palanwa, Distt. - East Champaran at Motihari
3. Noorul Hasan Son of Anul Hasan R/o vill - Gad Bahuwari, P.S. - Palanwa, Distt. - East Champaran at Motihari
4. Rashid Hasan @ Wasil Son of Imamul Hasan R/o vill - Gad Bahuwari, P.S. - Palanwa, Distt. - East Champaran at Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 342, 324, 307, 302 and 504 of the I.P.C.

3. As per the prosecution case, there were 13 named persons made accused in this case that they have surrounded the house of the informant and attacked the informant's brother. The specific allegation is against Anul Hasan being order giver. The allegation against Sk. Zahirul Hasan @ Obaid is to attack by

iron rod on the head of the informant's brother. The allegation against Munna Mustaq @ Fazil is to attack by iron rod and the allegation against Alimul Hasan is to make *farsa* blow on the head of the informant's brother.

4. Learned counsel for the petitioners submits that from the contents of the F.I.R., it becomes crystal clear that only four persons have participated in commission of this crime, whose names have already been acknowledged by this Hon'ble Court. He submits that though the allegation made in the F.I.R. has not been supported as per the post-mortem report. But counsel for petitioners submits that he is restraining himself on argument on this issue rather he submits that none of the petitioners were acted role in commission of the crime, save and except that their names have been inserted in the said F.I.R. as the member of mob. He further submits that the antecedent of all the petitioners are clean and they are respectable persons of the society. He further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that specific names of the present petitioners are also in commission of the crime being the member of mob.

6. In the present facts and circumstances of the case and the submissions made above, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul at Motihari, in connection with Palanwa P.S. Case No. 180 of 2021, dated 15.12.2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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