

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86199 of 2023

Arising Out of PS. Case No.-6 Year-2020 Thana- BHIMPUR District- Supaul

1. Md. Mahi Uddin, aged about 33 years, Male,
2. Md. Fakruddin, aged about 30 years, Male, both son of Md. Keyub,
3. Md. Galib @ Galib, aged about 21 years, Male, son of Md. Umar,
4. Md. Umar, aged about 49 years Male, son of Md. Hamid,
5. Md. Sadrul, aged about 33 years, Male,
6. Md. Samiuddin @ Md. Saiuddin, aged about 30 years Male, both son of Md. Kaiyum,
7. Md. Amir, aged about 25 years, Male,
8. Md. Naiem, aged about 43 years Male, both son of Md. Muslim,
All R/o village- Chapin, P.S.- Bhimpur, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Bhimpur PS Case No.06 of 2020 dated 08.01.2020, instituted
under Sections 147, 148, 149, 341, 342, 323, 337, 338, 332,
333, 393, 353, 186, 224, 225, 504 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged
date of occurrence the informant, who was Sub Inspector of
Police, along with the raiding party proceeded for raid and
during the raid at about 3.45 PM, he received information that



accused Md. Sadurl of Bhimpur PS Case No.74 of 2019 was seen in village Chapin near Madrasa. For verification of the said information, he along with the raiding party reached village Chapin and on seeing the police the nearby people assembled there and thereafter the raiding party caught the accused Md. Sadrul whereupon accused Md. Sadrul started raising alarm and also called his associates. On hearing *hulla*, several male and female armed with various weapons came there and started misbehaving with the police party and demanded release of the accused. The informant tried to pacify the matter, but the mob attacked the police by means of lathi, farsa, spear etc. and forcibly got the accused Md. Sadrul released from the custody of the police.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. It is further submitted that the present case has been lodged against twenty one named accused including the petitioners. It is also submitted that the allegation against the petitioners is completely forged and fabricated. No such occurrence as alleged in FIR had taken place on the alleged date of occurrence. The petitioners never abused or assaulted or misbehaved with any members of the police party. In fact, on the alleged date of occurrence, the police party came in search one of the co-



accused, Md. Sadrul, and asked about him during which some police personnel misbehaved with the female family members upon which the petitioners protested as a result of which the police party badly assaulted the petitioners and also implicated in this false case. It is also submitted that there is no specific allegation against the petitioners, rather, the allegations are general and omnibus. It is further submitted that petitioner no. 5, Md. Sadrul, has been made accused in one more case, whereas, other petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Supaul, in Bhimpur PS Case No.06 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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