

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3292 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- KURTHA District- Jehanabad

1. ASIF MALLICK @ ASIQ MALLICK @ MOHAMMAD ASIF MALIK @ MOHAMMAD ASIF EKBAL Son of Late Bakru Mallick @ Late Md. Abu bakar Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
2. Faizee Shekh @ Md. Faiz Alam Son of Jammi Shekh @ Md. Zamon Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
3. Sahanwaz Shekh @ Md. Sahanwaz Ahmed Son of Fauji Shekh @ Md. Faiyaz Ahmad Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
4. Mohshiv Mallick @ Md. Muhasin Hassan Son of Md. Sajid Hasain @ Sajid Imamullah Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
5. Mannu Shekh @ Md. Monu Alam Son of Latif Shekh @ Abdul Latif Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323/506 and other allied sections of the Indian Penal Code and sections 3/4 of the Prevention of damage of Public Property Act.

Prosecution's case in short is that police found that about 500 to 600 villagers were assaulting three persons with fists and slaps apprehending them to be child lifters. The crowd also damaged police vehicle, motorcycle.



Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case as at the time of occurrence in fact they were away from the village for earning livelihood. Petitioners have got no criminal antecedent. There is general and omnibus allegation and at best they can be said to be the member of a mob. Similarly situated co-accused have already been allowed bail by a bench of this Court vide order dated 18.12.2019, passed in Cr.Mis.No. 84084/2019.

Considering the facts of the case, let the petitioners, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, 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 the Chief Judicial Magistrate, Arwal in Kurtha Police Station Case No. 138 of 2019 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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