

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25185 of 2015**

Arising Out of PS.Case No. -7 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

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1. Hafiz Akhtar Hussain @ Md. Akhtar Hussain S/o Late Md. Sadik
  2. Md. Wasim Akhtar @ Md. Dularee S/o Akhtar Hussain
  3. Md. Jubair @ Jubair S/o Late Md. Idrish
  4. Md. Kamare Alam @ Md. Kamarey Alam S/o Akhtar Hussain
  5. Anbarul Haque S/o Late Ahmad Hussain
  6. Md. Pappu @ Ansarul Haque S/o Late Ahmad Hussain
  7. Md. Sabeer Alam @ Md. Sabbir S/o Late Md. Idrish
  8. Md. Lal Babu @ Sakil Akhatar S/o Md. Akhtar Hussain
  9. Md. Gulab @ Masaud Alam S/o Md. Akhtar Hussain
  10. Khusiya Khatton @ Khursida Khatoon D/o Akhtar Hussain All Resident of Village Moglanichak, P.S. Warisnagar, District Samastipur.

.... .... Petitioners

Versus

The State of Bihar .... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Prem Prakash Poddar, Advocate  
For the Opposite Party : Mr. Anuj Kr.Srivastava, APP  
For the Informant : Mr. Dilip Kumar Roy, Advocate

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI**

ORAL ORDER

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Hafiz Akhtar Hussain @ Md. Akhtar Hussain, Md. Wasim Akhtar @ Md. Dularee, Md. Jubair @ Jubair, Md. Kamare Alam @ Md. Kamarey Alam, Anbarul Haque, Md. Pappu @ Ansarul Haque, Md. Sabeer Alam @ Md. Sabbir Alam @ Md. Sabbir, Md. Lal Babu @ Sakil Akhatar, Md. Gulab @ Masaud Alam and Khusiya Khatton @ Khursida Khatoon, in connection with Warishnagr Police Station Case No. 07 of 2015 under Section 302/379 read with Section 34 of the Indian Penal

Code.

Perused the above application and materials on record including a copy of the order, dated 19.02.2015, passed, in A.B.P. No. 232 of 2015, by the learned Sessions Judge, Samastipur, dismissing the said application for pre-arrest bail.

Heard Mr. Prem Prakash Poddar, learned Counsel for the petitioner, and Mr. Anuj Kumar Srivastava, learned Additional Public Prosecutor, appearing on behalf of the State. Also heard Mr. Dilip Kumar Roy, learned counsel, appearing on behalf of the informant.

Though the informant alleges that the petitioners assaulted the deceased by throwing bricks and chilly powder upon the deceased, the fact of the matter remains that the *post mortem* examination reveled no external injury on the dead body, in question, and the viscera has been preserved, because of the fact that cause of death could not be ascertained.

Situated thus, this Court is of the view that the petitioners have been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioners above-named shall, in the event of their arrest in connection with

the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Warishnagr Police Station, Samastipur. This direction for bail is further subject to the condition that the petitioners above-named shall, within two weeks from today, appear before the Officer-in-Charge, Warishnagr Police Station, Samastipur, and make themselves available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Warishnagr Police Station, Samastipur.

Send also a copy of this order, forthwith, to the Superintendent of Police, Samastipur, by fax.

**(I. A. Ansari, J)**

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