

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10291 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -DAGARUA District- PURNIA
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1. Md. Nayeem Son of Jainuddin
2. Jamshed @ Jamsid Son of Kafil
3. Md. Aslam @ Islam, Son of Md. Rafique
4. Md. Kafil, Son of Late Akbar,
5. Rafique, Son of Late Akbar
6. Fatkan, Son of Late Akbar,
7. Tamiz, Son of Late Yasin
8. Hatim Son of Late Bhujia Bali
9. Nazir Son of Jainuddin
10. Shamim Son of Jainuddin
11. Hossain @ Hasan, Son of Fatkan All are resident of village - Mahesh
Khut, Police Station - Dagurwa, District - Purnea.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shiv Kumar Dwivedy
For the Opposite Party : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 28-05-2015 It has been stated that during the pendency of this application petitioner no.1, namely Md. Nayeem has been arrest and as such the application on his behalf stands rejected as having become infructuous.

Petitioner nos. 2 to 11 are apprehending their arrest in connection with Dagarua P.S. case no. 47 of 2014 registered under Sections 341,323,436,504/34 of the IPC.

The petitioners are named in the FIR wherein it has



been alleged that accused Jamshed @ Jamsid, Md. Aslam @ Islam ,Md. Kafil and Md. Nayeem set the house of the informant meant for storage of firewood on fire. Rest of the petitioners subsequently arrived and assaulted the wife and cousin brother of the informant. It has been submitted that there is land dispute between the parties. Actually, no one received injury inasmuch the case diary does not contain any injury report. The specific allegation of putting the house of the informant on fire is against four of the petitioners. However, there is no injury report of the informant side who is said to have been fisted/assaulted by the petitioners.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the facts and circumstances of the case this Court is not inclined to grant privilege of anticipatory bail to the petitioner nos. 2 to 4, namely, Jamshed @ Jamsid, Md. Aslam @ Islam and Md. Kafil respectively. Their prayer for bail is rejected.

Considering the facts and circumstances of the case let the petitioner Nos.5 to 11, namely, Rafique, Fatkan, Tamiz, Hatim, Nazir, Shamim and Hossain @ Hasan respectively, in the event of their arrest/surrender before the learned Court below

within a period of four weeks from today, be released on bail on 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, Purnea in connection with Dagarua P.S. case no. 47 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family members of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

Shyam/-

(Kishore Kumar Mandal, J)

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