

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33750 of 2015

Arising Out of PS.Case No. -147 Year- 2014 Thana -BALIA District- BEGUSARAI

- =====
1. Md. Quadir, Son of Late Md. Kaila @ Late Md. Nikhail.
 2. Md. Nazeer @ Md. Nasser @ Md. Nisar, Son of Late Md. Kaila @ Late Md. Nikhail. Both residents of village- Choti Ballia, Satichaura, Mansoor Chak, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2015

Heard learned counsels for the petitioners

and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 354 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 23.04.2014 at 4:00 P.M the informant was in her house when co-accused Md. Ezhar, Taz Khalifa, Sanni Khalifa, Md. Ayub, Md. Kalia, Md. Madhua, Md. Bhola Mian and two sons of Md. Kalia came armed with lathi, danda and dragged her in a room when co-accused Md. Bhola tried to strip her. On alarm being raised she was assaulted and when co-villagers Md. Shankar Khalifa, Rudal Khalifa and others came to rescue then Md. Ezhar Khalifa exploded bomb and Md. Kaila resorted to fire.

It is submitted by learned counsel for the petitioners that petitioners are sons of co-accused Md. Kaila though they have not been named by their names but they have been named in the First Information Report as two sons of Md. Kaila. In fact, father of petitioners died long ago and the said fact has surfaced during investigation. Moreover specific overt act has been alleged against Md. Ezhar Khalifa and Md. Kaila(the dead father of petitioners). The malicious nature of accusation gets reflected from the accusation that the dead person has been made accused.

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

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 147 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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