

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43714 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Md. Javed
 2. Md. Abed @ Abed @ Abid
 3. Md. Alam, All sons of Md. Jainuddin
 4. Md. Govinda
 5. Md. Sonu Both sons of Md. Afgan
 6. Md. Afgan son of Md. Hussain
 7. Md. Halim Son of Md. Makhtar
 8. Md. Khurshid @ Md. Kursid
 9. Md. Munna Both sons of Md. Halim All resident of village- Senuari,
P.S.- Hajipur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50396 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Md. Shamsher

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.43714 of 2015)

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Bharat Lal (App)

(In Cr.Misc. No.50396 of 2015)

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. A.L. Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-11-2015 Petitioners are apprehending their arrest in a

case registered for the offences punishable under Sections 147,

148, 149, 452, 504, 506, 364, 427, 380, 307, 302, 324, 326 of

the Indian Penal Code.

The prosecution case is that five months prior to the occurrence, Sanjeev Kumar @ Putul, son of the informant performed love marriage with Chandni Khatoon, daughter of Md. Ajaj. The accused persons being annoyed with the love marriage, caught hold Sanjeev Kumar @ Putul and started brutally assaulting him, when Kumkum Patel @ Mantu Patel tried to rescue him then he was also assaulted. The accused persons after damaging the household articles dragged away Chandani Khatoon and Sanjeev Kumar @ Putul. Subsequently Sanjeev Kumar @ Putul was found dead.

Learned counsel for the petitioners seeks permission to withdraw the application with regard to petitioner Nos. 1 to 5 and 8 of Cr. Misc. No. 43714 of 2015 namely Md. Javed, Md. Abed @ Abed @ Abid, Md. Alam, Md. Govinda, Md. Sonu and Md. Khurshid @ Md. Kursid since they were named by the injured Chandani Khatoon in her statement recorded under Section 164 of the Cr.P.C.

Permission is accorded.

Accordingly the application with regard to petitioner Nos. 1 to 5 and 8 of Cr. Misc. No. 43714 of 2015 namely Md. Javed, Md. Abed @ Abed @ Abid, Md. Alam, Md. Govinda, Md. Sonu and Md. Khurshid @ Md. Kursid is permitted to be withdrawn.

Let learned Court below consider the prayer



for regular bail of petitioner Nos. 1 to 5 and 8 of Cr. Misc. No. 43714 of 2015 namely Md. Javed, Md. Abed @ Abed @ Abid, Md. Alam, Md. Govinda, Md. Sonu and Md. Khurshid @ Md. Kursid, keeping in view of the fact that accusation is omnibus and general against them, if they surrender within a period of six weeks in connection with Hajipur Sadar P.S. Case No. 132 of 2015, pending in the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

It is submitted by learned counsel for the petitioners that petitioner Nos. 6, 7 and 9 of Cr. Misc. No. 43714 of 2015 namely Md. Afgan, Md. Halim, Md. Munna and petitioner of Cr. Misc. No. 50396 of 2015 namely Md. Shamsheer were not named by Chandani Khatoon in her statement recorded under Section 164 Cr.P.C. There is no specific accusation against these petitioners. There were about 60-70 accused persons who participated in the occurrence but only 23 persons have been named and considering the above fact co-accused have been granted bail vide Cr. Misc. No. 24149 of 2015, Cr. Misc. No. 38606 of 2015 and Cr. Misc. No. 30919 of 2015.

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

Considering the fact that accusation is not specific against petitioner Nos. 6, 7, 9 of Cr. Misc. No. 43714 of 2015 namely Md. Afgan, Md. Halim, Md. Munna and petitioner

of Cr. Misc. No. 50396 namely Md. Shamsheer and they being not named by injured Chandani Khatoon in her 164 Cr.P.C statement, let them, 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, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 132 of 2015, 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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