

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5402 of 2015

Arising Out of PS.Case No. -83 Year- 2014 Thana -BHARGAWAN District- ARRARIA

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1. Md. Safique.
 2. Md. Rafique.
 3. Md. Eklaque.
 4. Md. Ibran.
 5. Md. Chand @ Md. Soiyab.
 6. Md. Bablu.
 7. Md. Najir.
 8. Md. Naiyar @ Naiyar.
 9. Md. Rahman.
 10. Md. Hamza Ali @ Md. Hamza.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binay Kumar Choubey, Advocate.
For the Opposite Party : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2015 Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

It is alleged that F.I.R. named accused persons including the petitioners came variously armed, abused the informant which was protested by the brother of the informant whereupon on the order of petitioner no. 1 Sikandar(non-petitioner)

assaulted with Lathi to Md. Firoz when other brother of the informant Mojahid came to rescue then Md. Sikandar caused injury with double barrel gun when Md. Firoz went to save Md. Mojahid then petitioner no. 9 Md. Rahman resorted to firing.

It is submitted by learned counsel for the petitioners that accusation has been levelled in the background of dispute between the parties. A statement has been made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that specific accusation of assault is levelled against Sikandar (non-petitioner) and petitioner no. 9 Md. Rahman, this Court is not inclined to grant anticipatory bail to petitioner no. 9 Md. Rahman.

Let the learned court below consider the prayer for regular bail of petitioner no. 9 Md. Rahman if he surrenders within a period of six weeks from the date of receipt/production of copy of the order in connection with Bhargama P.S. Case No. 83 of 2014 pending in the court of the learned J.M. Ist Class, Araria.

With this observation, the application of petitioner no. 9 is disposed off.

Considering the fact that petitioners except

petitioner no. 9 have not made any assault, let petitioner nos. 1 to 10 except petitioner no. 9, above named, be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Bhargama P.S. Case No. 83 of 2014 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Dinesh Kumar Singh, J)

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