

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22570 of 2015

Arising Out of PS.Case No. -213 Year- 2013 Thana -BAJPATTI District- SITAMARHI

- 1. MD. ARIF @ MD. ARIF HUSSAIN S/o Md. Nayeem.
- 2. Md. Irfan S/o Md. Samim
- 3. Md. Umar S/o Md. Khaliqe R/o Village- Mirzapur, P.s Bajpatti, District - Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.23550 of 2015

Arising Out of PS.Case No. -213 Year- 2013 Thana -BAJPATTI District- SITAMARHI

Md. Zafir S/o Md. Mokim R/o village- Mirzapur, P.S.- Bajpatti, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.23590 of 2015

Arising Out of PS.Case No. -213 Year- 2013 Thana -BAJPATTI District- SITAMARHI

- 1. Md. Faiyaz S/o Md. Jabbar
- 2. Md. Chand S/o Md. Samim R/o village- Mirzapur, P.S. - Bajpatti, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.22570 of 2015)

For the Petitioners : Mr. Dinesh Jha, Advocate.

For the Opposite Party : Mr. Anil Kr.Singh 1(APP)

(In Cr.Misc. No.23550 of 2015)

For the Petitioner : Mr. Dinesh Jha, Advocate

For the Opposite Party : Mr. Bhanu Pratap Singh (APP)

(In Cr.Misc. No.23590 of 2015)

For the Petitioners : Mr. Dinesh Jha, Advocate.
For the Opposite Party : Mr. Bhanu Pratap Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

16-09-2015

All the three Criminal Miscellaneous have arisen out of the same police station case and as such have been heard together and are being disposed of by passing this common order.

Heard learned counsel for the petitioners as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 147, 148, 149, 448, 323, 324, 325, 379, 307, 435, 427 and 302 of the I.P.C.

Allegedly, F.I.R. named twenty accused persons including the petitioners being armed variously came, assaulted the informant and thereafter surrounded brother of the informant Md. Sohail and co-accused Md. Mojibul Rehman gave knife blow and co-accused Md. Shamim gave rod blow resulting brother of the informant fell down and became unconscious and when niece of the informant Kahkashan Khatoon and Darkashan Khatoon came there all the accused persons assaulted them also, subsequently brother of the informant succumbed to the injuries.

Submission is of false implication and that against the petitioners there is no specific allegation of committing assault and

the specific allegation is against co-accused Md. Mojibul Rehman and Md. Shamim. There is case and counter case and some of the accused persons similarly situated have been allowed pre-arrest bail, whereas, some of the co-accused have been allowed regular bail by this Court. By filing copy of bail order dated 14.05.2015 passed in Cr. Misc. No. 22120 of 2015 it is submitted that Sakila Khatoon and Md. Haidar whose cases are similarly situated have been allowed pre-arrest bail and the petitioners, under the circumstances, having no criminal antecedents also deserve sympathetic consideration.

The learned A.P.P. is not in a position to distinguish the case of the petitioners from co-accused Sakila Khatoon and Md. Haidar.

In the facts and circumstances as stated above, the petitioners in case of their arrest or surrender within one month from the date of receipt/production of a copy of this order shall 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. S.D.J.M. Pupri at Sitamarhi in Bajpatti P.S. Case No. 213 of 2013, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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