

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40693 of 2014

Arising Out of PS.Case No. -132 Year- 2011 Thana -TARIYANI CHOWK District- SHEOHAR

- =====
1. Sadre Alam Son of Ekwel Husain @ Sekh Ekwel
 2. Naseem Ahamad @ Naseem Son of Late Suleman Both Resident of Village - Rampurkhas, P.S, Tariyani, District- Sheohar
 3. Iftekhar Son of Badrul Hasan Resident of Village- Hiramma, P.S. Tariyani , District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2. 30-03-2015. Heard both sides.

The petitioners apprehend their arrest in a case under section 307 and other sections of the I.P.C. and section 27 of the Arms Act.

It is alleged that a procession came on the road which was not permitted by the authorities. The processionists started pelting stones and also assaulted the Sub Divisional Magistrate and the Deputy Superintendent of Police.

It is submitted that no specific allegation of assault is made against Sadre Alam, Naseem Ahmad @ Naseem whose names appears at serial no.,54 and 31 in the F.I.R. Petitioner no.3 Iftekhar is alleged to have assaulted the aforesaid officers along with other accused persons as his name appears at serial no.15 of the list.

It appears from perusal of the orders passed in

Cr.Misc.No.13983 of 2012 and analogous cases that against whom there are omnibus and general allegations, they have already been enlarged on anticipatory bail considering the facts aforesaid.

Petitioner no.1 Sadre Alam and petitioner no.2 Naseem Ahmad alias Naseem, in the event of their arrest/surrender before the court below within four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheohar in connection with Tariani P.S.Case No.132 of 2011, subject to condition laid down u/s 438(2) Cr.P.C.

So far as petitioner no.3, Iftekhar is concerned, there is specific allegation against him that he assaulted the S.D.O. and Dy. S.P. Hence, I am not inclined to enlarge Iftekhar on anticipatory bail and accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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