

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50877 of 2015

Arising Out of PS.Case No. -128 Year- 2015 Thana -PALASI District- ARARIA

- =====
1. Md. Muslim @ Muslim Son of Md. Satna.
 2. Md. Jabir @ Javed Alam Son of Md. Satna.
- Both are residents of village - Baluwa, Kaliyaganj, Police Station Palasi,
District – Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 10-11-2015

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Palasi P.S.
Case No. 128 of 2015 dated 05.07.2015 instituted under
Sections 147/149/341/323/324/307/379/504/506 of the
Indian Penal Code.

The allegation against the petitioners and 10
others is of general assault by various weapons and against
the petitioners specific of inflicting ‘Farsa’ blow on the head of
two victims.

Learned counsel for the petitioners submits
that though there is specific allegation against the petitioners
but there is also general and omnibus allegation of attacking
by all 12 accused persons and thus the petitioners cannot be
singled out for inflicting any particular blow. It is submitted

that there is also a counter case for the same incident in which the allegation is of trying to outrage the modesty of the womenfolk of the petitioners and four persons have been injured on the side of the petitioners. It is submitted that the petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that there is allegation against 12 persons which may be general and omnibus but against the petitioners, it is specific of inflicting '*Farsa*' blow on the head which is also corroborated by the injury reports. It is further submitted that just because there is a counter case, the petitioners do not become entitled to grant of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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