

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42414 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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1. Sabbu son of Saimudin Ansari, resident of village- Gopalpur, P.S. Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioner apprehends his arrest in a case under Section 395, 397 and other sections of the Indian Penal Code.

Md. Taki @ Lalu filed complaint case No. 948 of 2015 on 07.05.2015 alleging that Sheikh Shami and Baitullah brutally assaulted Sikandar Ansari and Akhtar Ansari and Shabu, the petitioner, snatched Rs. 35,500/- from the possession of Sikandar Ansari. Mishir Jee and Rakesh Mishra burnt the motor cycle of the complainant.

It is submitted that the occurrence took place on 28.04.2015 but the complaint petition was filed on 07.05.2015 and on the same day the FIR was registered. It is submitted that on the date of occurrence itself Baitullah Ansari lodged Hussainganj P.S.

case No. 83/2015 alleging therein that the complainant along with Md. Taki @ Lalu and others came and brutally assaulted the informant and his other family members. The present case is filed after three days of the occurrence only to create defence. There is no allegation of assault against the petitioner. Similarly situated accused Akhtar Ansari has already been enlarged on anticipatory bail along with other accused persons against whom there was no allegation of assault.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is 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 learned Chief Judicial Magistrate, Siwan in Hussainganj P.S. Case No. 91 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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