

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29381 of 2015

Arising Out of PS.Case No. -6 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

1. Sadab Khan son of Badho khan
2. Md. Naiyar Khan Son of Nihal Khan
3. Umair Khan son of Jubair Khan
4. Barho Khan@Md. Akhtar khan son of late Hamid Khan All resident of village- horidih, P.s Neemchak, Bathani, district Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 224, 225 and 353 of the Indian Penal Code and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

The prosecution is that when the informant being a police officer apprehended petitioner no.1, Sadab Khan, petitioner no.3, Umair Khan and co-accused Md. Naiyar Khan in Neemchak Bathani P.S. Case No. 62 of 2014 then Karu Khan, Talib Khan, Munna Khan, Amir Khan, Isrrail Mian, Md. Inam, Md. Habib and others got released the apprehended accused.

It is submitted by learned counsel for the petitioners that the accusation against the accused persons is omnibus and general. Moreover, petitioner nos. 1 and 3 have subsequently been granted anticipatory bail in Neemchak Bathani P.S. Case No. 62 of 2014 and from the accusation levelled, no offence under SC/ST Act is made out.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to petitioner nos. 1 and 3.

Let the learned court below consider the prayer for regular bail of petitioner nos. 1 and 3 if they surrender within a period of six weeks.

So far as petitioner nos. 2 and 4 are concerned, since the accusation is omnibus and general, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Neemchak Bathani P.S. Case No. 06 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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