

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 22013 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -SC/ST District- SAHARSA

=====

1 Nafish Ahmad @ Nafish Alam, son of Firoj Ahmad
2 Md Asdullah @ Guddu, son of Ajmal Khan @ Aslam Khan, residents of
Village – Saharsa Basti, PS – Sadar Saharsa, District - Saharsa
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

=====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

2 25-05-2016

The petitioners apprehend arrest in relation to Saharsa Scheduled Castes & Scheduled Tribes Police Station (SC & ST PS) Case No 24 of 2015 which was instituted under Sections 420, 384, 354, 341, 504, 506/34 of Indian Penal Code and Sections 3 (i) (x) of SC & ST (Prevention of Atrocities) Act.

It related to an occurrence that took place on 26.05.2015, report whereof to the police was given for the first time on 03.06.2015. Police, after investigating the matter, filed chargesheet under Section 354, IPC and, in the meantime, upon undertaking being given by the accused persons, police refrained from arresting the accused persons.

The learned Sessions Judge has rejected the anticipatory bail application on the ground that as the petitioners

were not arrested pursuant to undertaking given to the police and had not abused the undertaking, there was no apprehension of arrest and they should surrender before the Court below. What has been said by the learned Sessions Judge may be correct but the apprehension still persists as the trial Court may or may not grant bail upon petitioners appearing.

Be that as it may, in the event of their arrest or surrender within four weeks from today, the petitioners abovenamed shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Saharsa in Saharsa SC & ST PS Case No 24 of 2015 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Navaniti Prasad Singh, J)

M.E.H./-

U		T	
---	--	---	--