

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23874 of 2016

Arising Out of PS.Case No. -301 Year- 2015 Thana -ARARIA District- ARRARIA

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1. Salauddin Son of Late Fajilat
2. Sakir Alam Son of Tajuddin
3. Md. Taif son of Salauddin All resident of village Rampur, Mohanpur P.S.
Araria (Bairgachi) District Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 12-08-2016 Heard learned counsel for the petitioners,

learned counsel for the informant and learned

counsel appearing on behalf of the State.

The petitioners apprehend their arrest in
connection with Araria (Bairgachi) P.S. Case No. 301
of 2015 for the offences registered under Sections
147, 148, 149, 302, 354, 504, 379, 506 and 120(B)
of the Indian Penal Code.

Learned counsel for the petitioners submits
that the present petitioners have been falsely
implicated in this case and the main thrust of
allegation is against co-accused namely, Sujauddin

and Tajuddin, not against these petitioners.

Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners and submits that these petitioners were also equally participating in the occurrence which led to the death of the deceased, Md. Seraj. Furthermore, the cases of Sujauddin and Tajuddin have already been rejected by this Court.

Learned counsel for the State on perusal of the case dairy submits that it has come on record at paragraph -14 that the entire case is false as the deceased had dashed against the tree and fallen down resulting in his death. So far as these petitioners are concerned, there is no cogent material in the case dairy to implicate the petitioners in the present.

Considering the aforesaid facts and circumstances of the case and the material which has surfaced in the case dairy which casts a serious doubt in the prosecution story, let the petitioners, above named, in the event of their arrest or surrender before

the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Araria (Bairgachi) P.S. Case No. 301 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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