

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46342 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -KADWA District- KATI HAR
=====

- 1. Md. Maruf Son of Late Wajit Ali
- 2. Md. Nurul Hoda Son of Late Jainuddin
- 3. Md. Najim S/o Late Jabbar
- 4. Md. Alam Son of Late Jainuddin All are Resident of village- Parbheli, P.S. Kadwa, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

403-02-2016

Heard learned counsel for the petitioners and the State.
The petitioners are apprehending their arrest in a case instituted under Sections 147, 341, 323, 324, 325, 307, 379, 447, 504 and 506 of the Indian Penal Code.
Allegation against the petitioners is that due to cutting of ridge on the field a dispute arose between petitioner no. 1 Md. Maruf and Md. Afsad and Md. Maruf armed with sword wanted to assault Md. Afsad. In the meantime, informant came to rescue Md. Afsad and petitioner no. 1 gave sword blow on the head of the informant. Thereafter, other accused including petitioners assaulted the informant with legs and accused Md. Alam took away Rs.5,000/- from his (informant) house.
It is submitted on behalf of the petitioners that they have got no criminal antecedent. Petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners except petitioner no. 1 Md. Maruf. The other co-accused have been granted anticipatory bail

vide Cr. Misc. no. 41321 of 2015.

On behalf of the State, it is submitted that petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 1 Md. Maruf, same is rejected.

As far as petitioner nos. 2, 3, and 4 are concerned, they are being granted anticipatory bail.

Considering the aforesaid facts and circumstances, let the above named petitioner nos. 2, 3 and 4, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kadwa P.S. Case no. 97 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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