

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27521 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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1. Md. Hifjul @ Md. Hibdul S/O Mofique Alam
2. Noor Mohammad @ Noor Alam S/O Mofique Alam
3. Md. Sabir @ Nunu @ Sabir Alam S/O Mofique Alam
All resident of village Bardaha, P.S. Narpatganj District Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-11-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Narpatganj P.S. Case No. 02 of 2016 registered for the offences punishable under Sections 147/148/149/324/323/302 of the Indian Penal Code.

Diary in this case was called for earlier, which has, since been received.

Learned counsel for the petitioner submits that though there is specific allegation against these petitioners of having surrounded and attacked the deceased on account of which he sustained injuries leading to his death. The post-mortem report

does not indicate the presence of the injuries as alleged in the First Information Report. It is further submitted that since the injuries as alleged stand belied by the post-mortem report, the petitioners are entitled to the privilege of anticipatory bail.

Learned counsel appearing on behalf of the informant seriously contests and submits that the inquest report clearly indicates that there is injury in the back of the head of the deceased, but on perusal of the post-mortem report which has come along with case diary, it does not appear that any such injury was found by the doctor who examined the deceased on post-mortem and the cranial cavity was found intact.

Learned counsel appearing on behalf of the State, however, submits that three persons, similarly situated, have been extended the privilege of regular bail and not anticipatory bail and, therefore, these petitioners should surrender to the Court and prefer regular bail. He further submits that there is sufficient material in the case diary including the statement of the mother of the deceased who submitted that the petitioners had attacked the deceased.

However, considering all facts and circumstances of the case and that the post-mortem report does not indicate the presence of any external injury, let the petitioners abovenamed, in

the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 02 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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