

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52500 of 2015

Arising out of PS.Case No. -58 Year- 2015 Thana -DUMRA District- SITAMARHI

- 1. Md. Shabir, son of Md. Tafjjul.
- 2. Md. Vahid @ Md. Wadir, son of Md. Tafjjul.
- 3. Md. Tanvir, son of Md. Tafjjul.
- 4. Md. Sakir, son of Md. Tafjjul.
- 5. Imteyaz @ Md. Imteyaz son of Md. Kalam.
- 6. Md. Anjar, son of Late Md. Shahid.
- 7. Md. Shahid @ Juman, son of Late Md. Wahid. All residents of village- Ketharia, P.S. Dumra, District- Sitamarhi.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

- For the Petitioners : Mr. Pushpendra Kumar Singh, Advocate.
- For the Opposite Party : Mr. Ahmad Ali (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 19-02-2016 Vide order dated 27.11.2015, anticipatory bail application of petitioner no. 3 Md. Tanvir has already been dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Dumra P.S. Case No. 58 of 2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307, 379, 448 and 436 of the IPC.

The prosecution story, in brief, is that all the petitioners,



after forming unlawful assembly, armed with deadly weapons set the house of the informant on fire. The police came on the information and extinguished the fire. It is alleged that on the date of occurrence, while the informant was looking the place of occurrence after extinguishing the fire, all the accused persons (petitioners) armed with various weapons, arrived. It is alleged that Akeel(non-petitioner) assaulted the informant with Farsa causing head injury and bleeding took place. Other accused persons (petitioners) assaulted the informant indiscriminately with Lathi-Danda. It is further alleged that Md. Anjar (petitioner no.6) stood on the chest of the informant and started pressing chest. Md. Shahid @ Juman(petitioner no. 7) also stood on the chest of the informant and started pressing his chest. Md. Imteyaj (petitioner no. 5) started pressing the neck of the informant with intention to kill him, on account of which the informant became unable to raise hullah. It is further alleged that thereafter, all the accused persons started taking the informant towards west of the house. The Villagers arrived on hullah. Thereafter, accused persons (petitioners) fled away. Md. Anjar (petitioner no. 6) took out Rs. 11,000/- and a wrist watch from the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From perusal of the

case diary, it appears that there is no injury to support the allegation made in the FIR. There is admitted enmity between the parties. Hence, the petitioners have falsely been implicated in the present case.

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

Considering the aforesaid facts and circumstances, let the petitioners except petitioner no. 3(Md. Tanvir) above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Dumra P.S. Case No. 58/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)