

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50384 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -KASBA District- PURNIA

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1. Bibi Nahnehi Wife of Md. Israfil
 2. Md. Israfil Son of Md. Hasbul
 3. Md. Hasbul Son of Late Jalaluddin
 4. Samina Khatoon Wife of Md. Hasbul, All resident of village - Diyari, P.S. Kasba, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners abused and assaulted the informant with lathi. Petitioner Md. Israfil assaulted Md. Equabal with spade causing cut injury on his neck and head.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the

petitioners. The petitioners have falsely been implicated in the present case. Prior to institution of the present case, a complaint case was filed against the informant side vide Annexure-2 to the present application. No specific injury has been attributed against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Specific allegation of assault has been made against the petitioner No.2

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner No.2. His prayer for anticipatory bail is rejected.

Anyhow if the petitioner No.2 surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

So far as the petitioner Nos.1, 3 and 4 are concerned, let the petitioner Nos1, 3 and 4, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Kasba P.S. case No.108 of

2016, subject to the conditions as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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