

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.652 of 2016

Arising Out of PS.Case No. -328 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Md. Aamir Ahmad @ Aamir Ahmad, Son of Md. Ishteyak Ahmad,
 2. Md. Ishteyak @ Ishteyak, Son of Late Badrul Hassan,
Both residents of Mohalla - Baradari, Police Station - Sasaram, District - Rohtas.
 3. Md. Rizwan @ Imran Hussain,
 4. Md. Gulrej @ Imteyaz Hussain @ Md. Gulrez,
 5. Md. Raja Ahmad @ Neyaz Hussain,
All Sons of Late Saddu Ahmad @ Irshad Hussain, Resident of Mohalla - Nooranganj, Police Station - Sasaram, District - Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 15-02-2016 Heard Sri Buxi S.R.P.Sinha, learned Senior Counsel, who was assisted by Sri Sanjay Kumar, learned counsel for the petitioners and Sri Madan Kumar, learned Addl. Public Prosecutor.

Five petitioners, apprehending their arrest in connection with Sasaram (Town) P.S.Case no.328 of 2014 registered for the offence under Sections 461, 379, 506/34 of the Indian Penal Code, have prayed for grant of anticipatory bail.

Learned Senior Counsel, while pressing the anticipatory bail petition, submits that the shop in question was

transferred to the petitioner through sale deed and in recital of the sale deed, it was indicated that possession was handed over to the petitioner and, as such, there was no question of forceful removal of the informant and her family from the shop in question. It has also been submitted that during investigation, before the police the petitioners had appeared and on taking bond, the petitioners were released on bail under Section 41A of the Code of Criminal Procedure.

From perusal of the F.I.R., the Court is not at all inclined to extend the privilege of anticipatory bail. . Moreover, since during investigation, the police has already released the petitioners on bond, presently there is no apprehension of arrest and in absence of any apprehension of arrest, anticipatory bail may not be entertained. On merit also, there is nothing on record to extend the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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