

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46181 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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1. Md. Arshad @ Md. Arshad Alam, Son of Md. Jabbar
 2. Md. Mustafa, Son of Abdul Sattar

Both Resident of village – Kharampur, P.S. Matihani, District – Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 22-10-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 326, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

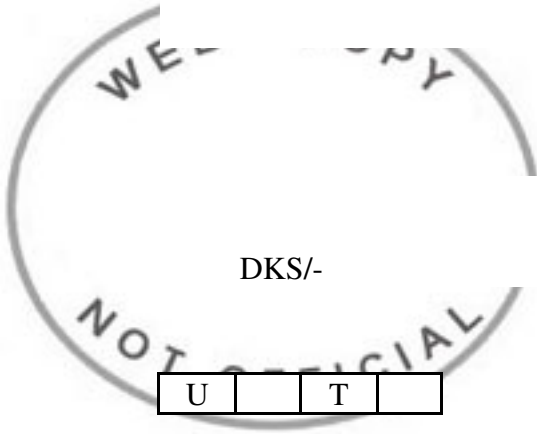
The prosecution case is that the informant was carrying the guests of a marriage party on his Magic vehicle then he found the accused persons including the petitioner

standing there but when the informant went to urinate the accused persons surrounded the informant and on the order of co-accused Md. Jabbar, co-accused Md. Gaffar fired which hit on the chest of the informant.

It is submitted by learned counsel for the petitioners that no overt act has been alleged against the petitioners. The accusation is omnibus and general against the petitioners. Petitioner no. 1 is the son-in-law of the informant and the daughter of the informant lodged Matihani P.S. Case No. 148 of 2010 under Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act against petitioner no. 1 as a result petitioner no. 1 has been implicated in the present case and petitioner no. 2 has no criminal antecedent.

Considering the fact that the specific overt act has been alleged against co-accused Md. Jabbar and Md. Gaffar and petitioner no. 1 was inimical term with the informant from before, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai in connection

with Matihani P.S. Case No. 51 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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