

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30598 of 2016

Arising Out of PS.Case No. -206 Year- 2007 Thana –PIRPAINTY District- BHAGALPUR

- =====
1. Md. Kutubuddin @ Kutubuddin @ Mallo.
 2. Md. Himayun @ Humayun
Both sons of Md. Bashiruddin
 3. Md. Husnain @ Husnain, Son of Late Md. Islam.
 4. Ali @ Alia @ Shekh Ali, Son of Late Wahid, All residents of village - Rajganj,
Police Station Pirpainty, District – Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. M.U. Ashraf, Advocate
For the State	:	Ms. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with
Pirpainty P.S. Case No. 206 of 2007 dated 06.11.2007 instituted
under Sections 147/148/341/353/224/225 of the Indian Penal Code.

The allegation against the petitioners is of causing
obstruction to the police party in the lawful discharge of their duties
as well as other related offences.

Learned counsel for the petitioners submits that
against the petitioner no. 1, the allegation is that he was caught and
then other co-accused managed to set him free and because of 13 Kg.
Ganja being recovered, a separate case has also been registered. It is

submitted that it is highly improbable that even the womenfolk would physically and actively be involved to get an accused freed from the custody of the police when there were other male members present.

Learned A.P.P. submits that the petitioners, though being named in the F.I.R., have moved the Court after almost 9 years, for anticipatory bail which itself shows their conduct as they have tried to evade the due process of law for a long period. It is further submitted that the petitioners no. 1 and 2 have criminal antecedent also.

Having considered the facts and circumstances of the case, the Court is not inclined to enlarge the petitioners on anticipatory bail.

Accordingly, the application stands dismissed

However, in the event the petitioners surrender before the Court below and seek regular bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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