

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29061 of 2016**

Arising Out of PS.Case No. -567 Year- 2013 Thana -TURKAULIYA District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Nurullah son of Late Sheikh Sharfuddin
  2. Md. Irfanullah @ Kubra @ Irfanullah son of Sheikh Obaidullah
  3. Abdul Faiz @ Faiz Ahmad son of Late Jainuddin
  4. Shahid Ali son of Sheikh Anwar

All are residents of Mokhlispur, P.S. Banjaria, District - East  
Champaran ..... Petitioner/s

Versus

The State of Bihar ..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Advocate  
For the Opposite Party/s : Mr. Arun Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      28-07-2016                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The four petitioners of the present case apprehending  
their arrest in connection with Turkaulia (Banjaria) P.S. Case  
No.567 of 2013 registered under Sections 364, 302 and 201/34 of  
the Indian Penal Code seek pre-arrest bail.

It is submitted by the learned counsel for the petitioners  
that the petitioners were neither named in the FIR nor were sent up  
for trial by the police. While submitting report under Section  
173(2) of the Code of Criminal Procedure (for short 'CrPC), it was  
petitioner no.2 Md. Irfanullah @ Kubra @ Irfanullah alone against  
whom the investigation was made and in his case too final form  
was submitted by the police and the report was accepted by the

Magistrate concerned. In course of trial of other accused persons, who were sent up for trial, after examination of nine witnesses, a prayer was made by the prosecution to summon the petitioners, as additional accused under Section 319 of the CrPC. The said prayer of the prosecution was allowed by the trial court.

Learned counsel for the State does not dispute the aforesaid submissions made by the learned counsel for the petitioners.

Regard being had to be facts and circumstances of the case, in the event of arrest or surrender in the court below within three weeks from today, the petitioners, namely, Md.Nurullah, Md. Irfanullah @ Kubra @ Irfanullah, Abdul Faiz @ Faiz Ahmad and Shahid Ali are directed to be released on 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 Additional District and Sessions Judge, XII, East Champaran, Motihari in connection with Turkaulia (Banjaria) P.S.Case No. 567 of 2013 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Md.S./-

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