

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31964 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Md. Firoj Alam
2. Md. Pappu Both Sons of Md. Jalil
3. Md. Asfque @ Md. Ashique
4. Md. Israfzil @ Md. Israfil
5. Md. Hazrat, All Sons of Late Hanif Mian
6. Md. Jahangir Son of Rahman Mian
7. Md. Aslam Mian @ Md. Aslam Son of Md. Jahangir
8. Md. Nazir Son of Late Asgar Mian
All Resident of village- Makhdumpur, Police Station- Mufassil, District-
Katihar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-08-2016 Sri Ratnakar Ambastha, learned counsel for
petitioners, in presence of Sri Vinod Shankar Modi, learned Addl.
Public Prosecutor, at the very outset submits that in paragraph – 1
of the petition, due to inadvertence, Section 307 of the Indian
Penal Code was not incorporated. He makes a prayer for
permitting him to incorporate Section 307 of the Indian Penal
Code in paragraph – 1 of the petition.

The prayer is allowed.

Heard both sides.

Eight petitioners, apprehending their arrest in Katihar

(M) P.S. Case No. 92 of 2016 registered for offence under Section 307 & other allied sections of the Indian Penal Code, have prayed for grant of anticipatory bail.

It was submitted by learned counsel for petitioners that informant side were aggressor and they had committed offences against the petitioners' side, thereafter, from the petitioners' side, *ferdbeyan* of petitioner no. 1, Md. Firoj Alam was got recorded by the police on the date of occurrence itself, however; the F.I.R. was registered on 12-05-2016 to the reasons best known to the police. After *ferdbeyan* of petitioner no. 1 was recorded, from the informant side, a neatly typed complaint was lodged before the officer incharge, Mufassil P.S., Katihar and accordingly, the present F.I.R. was lodged.

Learned counsel for petitioners submits that even the injuries, which were allegedly sustained by the informant side, were found to be simple in nature. In any event, it has been argued that petitioners have falsely been implicated, since from the petitioners' side, earlier *ferdbeyan* was got recorded.

Learned Addl. Public Prosecutor opposed the prayer and submits that in the 2nd part of the F.I.R., there is serious accusation against the petitioners.

Be that as it may, keeping in view the fact that there

was case and counter case, the Court considers that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let petitioner no. 1 to 8 namely 1. Md. Firoj Alam, 2. Md. Pappu, 3, Md. Asfque @ Md. Ashique, 4. Md. Israfzil @ Md. Israfil, 5. Md. Hazrat, 6. Md. Jahangir, 7. Md. Aslam Mian @ Md. Aslam, and 8. Md. Nazir be enlarged 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 Chief Judicial Magistrate, Katihar in connection with Katihar (M) P.S. Case No. 92 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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