

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 27269 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -DAGARUA District- PURNIA

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Md. Feku son of Md. Rakib Resident of village Dariyapur, P.S Dagarua,
District Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 25-07-2016 Heard Sri Ashok Kumar, learned counsel, who was

assisted by Sri Ram Prawesh Kumar, learned counsel for the

petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in
Dagarua P.S. Case No. 173 of 2015 registered for the offence
under Section 307 & other allied sections of the Indian Penal
Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner
that initially a complaint case was filed, vide Complaint Case No.
3423 of 2014, which was referred under Section 156(3) of Cr.P.C.
for registering the case and thereafter, present F.I.R. was lodged.
By way of referring to complaint petition, learned counsel for the
petitioner submits that in the F.I.R., there are two types of



allegations. One allegation against some of accused persons is that they assaulted the husband of the informant and second allegation is against the petitioner & one Pappu Azad regarding forcibly taking away five Bhar silver ornament and one Nokia mobile from the house of the informant. By way of referring to **Annexure – 2** to the present petition i.e. photocopy of order dated 09-12-2015 passed in Cr. Misc. No. 54077 of 2015, learned counsel for the petitioner submits that one of the co-accused, having similar accusation, namely Md. Pappu has already been extended the privilege of anticipatory bail by this Court. He submits that even those accused, against whom there was allegation of assault, have also been granted anticipatory bail by the same order. He submits that case of the petitioner is exactly similar to the case of Md. Pappu.

Besides hearing, I have also perused the materials on record, particularly order dated 09-12-2015 passed in Cr. Misc. No. 54077 of 2015 as well as the complaint petition, which is the basis of the F.I.R. After going through the same, the Court is satisfied that on the ground of parity, petitioner's prayer for grant of anticipatory bail may not be rejected.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Md.

Feku be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Dagarua P.S. Case No. 173 of 2015, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Rakesh Kumar, J.)

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