

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16862 of 2017

Arising Out of PS.Case No. -262 Year- 2016 Thana -PALASI District- ARRARIA

=====

1. Md. Anabul @ Anabul , son of Late Bhadrudin 2. Md. Kasim @ Kasim son of Md. Anabul 3. Md. Hasim @ Hasim son of Md. Anabul 4. Md. Waris @ son of Md. Anabul 5. Md. Sadique @ Md. Sadique Alam son of Md. Hasim 6. Md. Afaq @ Md. Asfaq son of Md. Yusuf			Petitioner/s
Versus			
The State of Bihar			Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat
For the Opposite Party/s : Mr. Sri Anish Chandra

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-04-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Palasi P.S.Case No.262 of 2016, registered for offences punishable under Sections 341, 323, 324, 325, 307, 504 and 34 of the Indian Penal Code.

As per the F.I.R., the allegation against the petitioner no.1 is that he is order-giver, petitioner no.2 has assaulted by 'Farsa' to the informant, petitioner no.3 also assaulted by 'Farsa' on Miajul and petitioner no.5 assaulted by 'Farsa' to Atwari. So far allegation against petitioner no.4 & 6 is concerned, that is general and omnibus in nature.

It is submitted on behalf of the petitioners except the



injuries on the person of Miyajul and Etbari, all the injures have been found simple in nature and there is a case and counter case between the parties. Petitioner No.1 is only order-giver and against petitioner no.4 & 6, there is general and omnibus allegation.

Heard learned A.P.P. and learned counsel for the informant. They have opposed the prayer for bail but they could not controvert the aforesaid submissions of the learned counsel for the petitioners.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner no.1 (Md. Anabul @ Anabul), petitioner no.2 (Md. Kasim @ Kasim), petitioner no.4 (Md. Waris @ Waris) and petitioner no.6 (Md. Afaque @ Md. Asfaque), in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.-IIIrd, Araria in connection with Palasi P.S.Case No.262 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.



- (iii) The petitioners shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bond.

So far prayer of Petitioner no.3 (Md. Hasim @ Hasim) and petitioner no.5 (Md. Sadique @ Sadique Alam) are concerned, I am not inclined to grant anticipatory bail, however, petitioner nos.3 and 5 are directed to surrender before the learned court below within a period of six weeks and make prayer for regular bail, which will be considered on its own merit by the learned court below without being prejudiced by the order of this Court

(Vinod Kumar Sinha, J)

chn/-

U			
---	--	--	--

