

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16905 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -NAUHATTA District- SAHARSA

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1. Md. Rajjak.
2. Md. Jabbar.
Both Sons of Late Md. Salamat.
3. Md. Kadir @ Abdul Kadir.
4. Md. Sadir.
5. Md. Afroj.
6. Md. Jumrati.
All Sons of Md. Rajjak.
7. Md. Usman, Son of Md. Jabbar.
8. Md. Mustaque, Son of Md. Mursid.
9. Md. Kiyam, Son of Md. Jumrati.
All Resident of Village- Nayanagar Muslim Tolla (Basiyaghat), Ward
No.15, P.S.- Naoh-atta, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate.
For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-05-2017 It has been submitted that petitioner Nos. 2 and 3

namely, Md. Jabbar and Md. Kadir @ Abdul Kadir, have been

arrested and hence prayer for anticipatory bail against them has

become infructuous.

Therefore, prayer for anticipatory bail against

petitioner Nos. 2 and 3 is dismissed as having become infructuous.

Heard learned counsel for the petitioners and the

State.



The petitioners apprehend their arrest in Nauhatta P.S. Case No. 12 of 2017 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 308, 379, 452, 354, 504 and 506 of the Indian Penal Code.

As per written report there is specific allegation against Md. Kadir (petitioner No. 2) of giving *Farsa* blow on the head of the informant. As per submission of the learned counsel for the petitioner, Md. Kadir has already been arrested and his petition for anticipatory bail has been permitted to be withdrawn.

There is general and omnibus allegation against petitioner Nos. 1 and 4 to 9.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 1, 4, 5, 6, 7, 8 and 9 namely, Md. Rajjak, Md. Sadir, Md. Afroj, Md. Jumrati, Md. Usman, Md. Mustaque and Md. Kiyam is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Nauhatta P.S. Case No. 12 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri B. Pandey, learned Additional Chief Judicial Magistrate-IIIrd, at Saharsa, subject to the conditions as laid down under Section 438



(2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-

(Sanjay Priya, J)

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