

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34610 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -RAUTA District- PURNIA

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1. Mahfuz, Son of Late Khalil, Resident of Village- Kathalbari, P.S.- Rauta, District- Purnea.
 2. Md. Rizwan @ Rizwan, Son of Md. Mojibur Rahman, Resident of Village- Dahuabari, P.S.- Amour, District- Purnea.
 3. Md. Qurban @ Kurban, Son of Late Jamaluddin, Resident of Village- Bhargama, P.S.- Amour, District- Purnea.
 4. Md. Tajamul @ Tafezul @ Tazemul, Son of Late Mehtar, Resident of Village- Harna, P.S.- Rauta, District- Purnea.
 5. Md. Nawed Alam, Son of Late Md. Idrish, Resident of Village- Pandarpur, P.S.- Rauta, District- Purnea.
 6. Abdul Hamid @ Md. Hamid, Son of Late Habibur Rahman, Resident of Village- Dahuabari, P.S.- Amour, District- Purnea.
 7. Md. Shabbir Alam @ Sabir, Son of Late Habibur Rahman, Resident of Village- Dahuabari, P.S.- Amour, District- Purnea.
 8. Md. Zubair Alam @ Juber, Son of Late Md. Idris, Resident of Village- Aambari, P.S.- Rauta, District- Purnea.
 9. Md. Rafique @ Rafique, Son of Md. Habibur Rahman, Resident of Village- Aambari, P.S.- Rauta, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the informant : Mr. N. Ashan, Sr. Advocate
For the Opposite Party/s : Mr. Manish Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 21-09-2017 Heard learned counsel for the petitioners and the State.

It has been submitted that petitioner Nos. 4 and 9 have been arrested, and hence, their application for anticipatory bail has become infructuous.

The application against petitioner Nos. 4 and 9



namely, Md. Tajamul @ Tafezul @ Tazemul and Md. Rafique @ Rafique is dismissed as having become infructuous.

The petitioners apprehend their arrest in Routa P.S. Case No. 21 of 2017 instituted for the offence under Sections 147, 148, 323, 307, 452, 436, 379, 504, 506 and 302 of the Indian Penal Code.

It is alleged that the petitioners came at the house of Bhagina of the informant and started breaking his house and on protest, they assaulted the family members of the informant, as mentioned in the written report, with *Dabiya*, *Farsa*, sword, *lathi* etc. When Md. Saquib Jafar @ Lal Babu went to save, then accused persons assaulted him also, due to which, he sustained injury and subsequently died. It is further alleged that the accused persons set the house of the informant on fire.

Case diary has been received wherein the witnesses have leveled allegation against petitioner Nos. 3 and 8 namely, Md. Qurban @ Qurban and Md. Zubair Alam @ Juber. Therefore, prayer for anticipatory bail of petitioner Nos. 3 and 8 stands rejected.

So far as petitioner Nos. 1, 2, 5, 6 and 7, namely, Mahfuz, Md. Rizwan @ Rizwan, Md. Nawed Alam, Abdul Hamid @ Md. Hamid and Md. Shabbir Alam @ Sabir are concerned,



there is general and omnibus allegation against them. Therefore, prayer for anticipatory bail against petitioner Nos. 1, 2, 5, 6 and 7 is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 2, 5, 6 and 7, named above, within six weeks from today, in connection with Rauta P.S. Case No. 21 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 learned Additional Chief Judicial Magistrate-II, Purnea, 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.

(Sanjay Priya, J)

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