

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 15888 of 2017

Arising Out of PS.Case No. -582 Year- 2016 Thana -ARARIA District- ARRARIA

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1. Barik,
2. Haris,
Both Sons of Late Abdur Rahman @ Malaru, resident of village - Lahana
P.S. & District - Araria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Damodar Pd. Tiwari
Mr. Md. Ziaul Quamar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 06-07-2017 Heard Sri Anil Prasad Singh, learned counsel for petitioners, Sri Damodar Prasad Tiwary, learned Addl. Public Prosecutor as well as Md. Ziaul Quamar, learned counsel, who has voluntarily appeared on behalf of informant.

Two petitioners, apprehending their arrest in Araria P.S. Case No. 582 of 2016 registered for offence under Sections 147, 148, 149, 341, 323, 324, 307, 379 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender, primarily on the ground that there was case and counter case in between the parties.

It was submitted by learned counsel for petitioners that from the petitioners' side, on the same date, on the basis of



fardbeyan of informant, an F.I.R. was lodged, vide Araria P.S. Case No. 583 of 2016. The *fardbeyan* was recorded in hospital. In case, instituted from the petitioners' side also, number of persons were alleged as accused and in the present case also, besides two petitioners, about 15 other persons were specifically named with other accused persons. He further submits that about nine accused persons of the present case have already been extended the privilege of anticipatory bail.

Mr. Md. Ziaul Quamar, learned counsel for the informant has opposed the prayer. He submits that the case of the petitioners is not similar to the accused persons, who have been extended the privilege of anticipatory bail. There is specific accusation against both the petitioners that both have caught hold of the hands of the informant and thereafter, one other accused has given *farsa* blow. However, he has not disputed that there was case and counter case in between the parties.

Considering the fact that there was case and counter case in between the parties, clean antecedent of the petitioners, which has been mentioned in paragraph – 3 of the petition as well as the fact that other nine accused persons have been granted anticipatory bail, there is no reason to deny the same privilege to both the petitioners.



Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Barik and Haris 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, Araria in connection with Araria P.S. Case No. 582 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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