

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40001 of 2017**

Arising Out of PS.Case No. -167 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Ghulam Quasim, Son of Shamshad Ali  
2. Md. Equbal @ Equbal Mehdi, Son of Ghulam Quasim,  
Both resident of Village- Baghani, Police Station- Hussainganj, District-  
Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      17-10-2017                      Heard learned counsel for the petitioners and the  
  
State.

Learned counsel for the petitioners has submitted that  
petitioner No. 1 has already been arrested. Therefore, his  
application for anticipatory bail has become infructuous.

The application for anticipatory bail against petitioner  
No. 1 is dismissed as having become infructuous.

The petitioner No. 2 namely, Md. Equbal @ Equbal  
Mehdi apprehends his arrest in Hussainganj P.S. Case No. 167 of  
2017 instituted for the offence under Sections 147, 148, 149, 341,  
448, 427, 436, 379, 504 and 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioner No.2



that he has clean antecedent. The instant case has been filed by the informant to put pressure upon the petitioner to compromise Hussainganj P.S. Case No. 43 of 2016 lodged by petitioner No. 1. It has further been submitted that petitioner No. 2 has lodged Town P.S. Case No. 102 of 2017 under Section 302 and other allied Sections of the Indian Penal Code against Vishwakarma Bind and another for killing Nehal Mehdi.

The informant in the instant case is sister-in-law (*Bhabhi*) of Amarjeet Bind and Vishwakarma Bind who are accused in Hussainganj P.S. Case No. 43 of 2016 and Town P.S. Case No. 102 of 2017.

From the written report it appears that there is general and omnibus allegation levelled against petitioner No. 2.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner No. 2 namely, Md. Equbal @ Equbal Mehdi is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with Hussainganj P.S. Case No. 167 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 Chief Judicial Magistrate, Siwan, 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) petitioner 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 petitioner and (3) if petitioner 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 petitioner.

**(Sanjay Priya, J)**

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