

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50409 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -MAJHAULIA District- West Champaran.

- =====
1. Sk. Yakub, S/o Late Sk. Khalil,
 2. Sk. Jainul S/o Badari Dhobi, All are R/o Village- Kadamawa, P.S.-
Gopalpur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. S.N. Shukla (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-12-2017 Heard the learned counsel for the petitioners as well as
the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Majhauria P.S. Case No. 73 of 2017 for the offences punishable under sections 302 and 120 (B)/34 of the I.P.C.

Allegedly, under the conspiracy of the petitioners Sk. Anwarul Haque, the brother of the informant, was caught and shot dead.

Submission is of false implication and that the names of the petitioners have taken in the FIR later on as conspirator, there is no material against the petitioners to show that they have conspired with other co-accused, co-accused Sk. Buchai is the



assailant, whereas, Sk. Kari is the order giver, during investigation in the confessional statement of co-accused Sadam Hussain and Sajid Ansari different versions have come and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners are named in the FIR and further in the confessional statements of Saddam Hussain and Sajid Ansari their names have transpired.

In the facts and circumstances stated above, considering that the petitioners are named in the FIR and further in the confessional statements also their names have transpired and as such I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Bettiah, West Champaran.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered by the court below taking into consideration that two co-accused, who have confessed, have already been allowed bail.

(Jitendra Mohan Sharma, J)

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