

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10663 of 2017

Arising Out of PS.Case No. -254 Year- 2010 Thana -JOKIHAT District- ARRARIA

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1. Md. Taiyab, Son of Sk. Mohammad
 2. Md. Imtiyaz @ Md. Imtiyaz Alam, Son of Md. Taiyab Both are residents of village - Bhebhra, P.S. - Mahalgaon, Distt - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-12-2017

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 504, 379, 406 and 384/34 of the Indian Penal Code.

The prosecution case is that co-accused Sarfuddin @ Md. Sarfuddin being Secretary of the school withdrew Rs.1,50,000/- for the construction of the school building, but no construction was made. The petitioners are brother and nephew of co-accused Sarfuddin.

It is submitted by learned counsel for the



petitioners that the thrust of accusation is against Sarfuddin, who has been granted bail by learned Court below, statement to that effect has been made in paragraph 12 of the petition. Earlier the prayer for anticipatory bail of the petitioners was disposed of vide order dated 23.07.2012 passed in Cr. Misc. No. 10339 of 2012 with observation that it is a case for consideration of prayer for regular bail, as contained in Annexure-1. It is further submitted by learned counsel for the petitioners that the main accused Sarfuddin has been granted bail on the ground that the informant has retracted from the initial version and filed a petition to that effect before the learned Court below.

Since the earlier anticipatory bail application of the petitioners was disposed of with observation, this Court is not inclined to revise the earlier order. However, keeping in view the fact that the thrust of accusation is against co-accused Sarfuddin, who has been granted bail by learned Court below and the informant has retracted from the initial version, coupled with the statement in paragraph 3 of the petition that the petitioners have no criminal antecedent, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioners surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order in connection



with Jokihat (Mahalgaon) P.S. Case No. 254 of 2010 pending in the Court of learned Chief Judicial Magistrate, Araria. It is expected from the learned Court below to dispose of the application of the petitioners preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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