

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.115 of 2017

Arising Out of PS.Case No. -44 Year- 2016 Thana -KAMTAUL District- DARBHANGA

=====

Lal Babu Sheikh, S/o Kalim Sheikh, R/o Village- Karwa, P.S.-
Kamtaul, District-Darbhanga Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner : Mr. Shailendra Kumar Jha, Advocate
Ms. Neelam Kumari (APP)

For the Opposite Party : Mr. Zainul Abedin(APP)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 10-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Kamtaul P.S.

Case No. 44 of 2016 instituted for the offence under Sections 147,
148, 149, 323, 325 and 307 of Indian Penal Code.

It has been submitted on behalf of the petitioner that

some of the co-accused have been granted anticipatory bail by the

Sessions Judge vide ABP No.1144 of 2016 dated 09.09.2016.

However, the learned Sessions Judge has rejected the prayer for
anticipatory bail of this petitioner on 05.11.2016, although the
case of the petitioner was also on similar footing. This court failed
to understand the reason for passing such different order by
learned Sessions Judge in the same set of occurrence. It is
expected that learned Sessions Judge will be careful in future so
that no such conflicting order is passed in the same set of



occurrence with regard to different set of person. As per allegation, informant went towards Mosque where he found brick batting was taking place. He sustained injury in his nose and thereafter the informant was brought to Jalley Hospital from where he was referred to DMCH. From the written report itself it appears that there is no allegation of overt act against this petitioner. The learned Sessions Judge has granted anticipatory bail to thirteen petitioners with similar allegation. In the circumstances, prayer of the petitioner for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Kamtaul P.S. Case No. 44 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

ravi/-

U		T	
---	--	---	--

