

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54814 of 2017

Arising Out of PS.Case No. -352 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Samshe Alam, Son of Sk. Jajul.
 2. Mubarak Ansari, Son of Gutari Ansari.
 3. Mumtaj, Son of Basir.
 4. Israil Thakurai, Son of Mohammad Thakurai.
 5. Sahid Khan, Son of Jahir Khan.

All residents of Village- Phoolwariya, P.S.- Dhaka, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-11-2017 At the very outset, learned counsel for the petitioners

submits that the petitioner no.3 Mumtaj has already been arrested

by the police in the case and seeks permission to withdraw this

application in his respect.

Permission is accorded.

This application, in respect of the petitioner no.3 Mumtaj,

is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 2, 4 and 5,

above named, for grant of anticipatory bail is being considered.

Heard.



The petitioner nos.1, 2, 4 and 5, above named, apprehend their arrest in connection with Dhaka P.S. Case No.352 of 2016 registered under Sections 147, 148, 149, 353, 332, 333, 323, 337, 436, 427, 295(A), 153(A) and 307 of the Indian Penal Code.

The accusation is that on receiving information about indulging of two groups in “Maar-Peet” at village-Phoolwariya, the informant being the Officer Incharge of Dhaka Police Station alongwith other police officials reached there, where two groups engaged in causing assault to others were found. At that time, seven persons were apprehended, while 50-60 persons succeeded to flee away, out of which 13 persons including the petitioner nos.1, 2, 4 and 5, above named, were identified.

Learned counsel for the petitioner nos.1, 2, 4 and 5, above named, submits that while these petitioners are named in the F.I.R. but they were not apprehended on the spot rather they are said to be fled away from the place of the occurrence. Moreover, no specific allegation is attributed to them. These petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 2, 4 and 5, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sikarahna at Dhaka, District-East Champaran, in connection with Dhaka P.S. Case No.352 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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