

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1934 of 2017

Arising Out of PS.Case No. -34 Year- 2009 Thana -AMDABAD District- KATI HAR

- =====
1. Md. Jalal @ Jalla son of Late Md. Jakir, R/o village- Pranpur (Garad Tola), P.S.- Amdabad, District- Katihar
 2. Md. Najir son of Abduul Kasim, R/o village- Basantpur 9Naya Tola), P.S.- Amdabad, District- Katihar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 25-01-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

Supplementary affidavit has been filed on behalf of the petitioners disclosing criminal antecedents of the petitioners which has been taken on record.

Petitioners apprehend their arrest in connection with Amdabad P.S. Case No. 34 of 2009 registered for the offences punishable under Sections 147, 148, 149, 384, 379, 323, 325 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioners and other named accused persons being armed came at the boat of the informant, demanded ransom and started assaulting with butt of gun causing fracture of a finger of the informant, they also assaulted other sailors Md. Nizamuddin, Bhim Singh and snatched the mobile, watch and cash



amounting to Rs. 11,000/- after causing threats to pay Rs. 10,000/- per month from each boat as ransom otherwise to kill them.

Submission is of false implication and that there is no specific allegation against the petitioners, they have been implicated due to enmity and as such they deserve sympathetic consideration. The petitioners are accused in one more case i.e. Abdabad P.S. Case No. 90 of 2009 registered for the offences punishable under Sections 341, 323, 325, 506, 385/34 of the Indian Penal Code and Section 27 of the Arms Act and besides that no other case is against them.

Learned APP opposes the prayer of pre-arrest bail by submitting that the petitioners have got criminal antecedent and there is serious allegation against them.

In the facts and circumstances stated above, considering the allegation and criminal antecedent, I am not inclined to grant privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

However, in case and if so advised, the petitioners surrender and seeks regular bail before the court below, then their prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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