

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46355 of 2017

Arising Out of PS.Case No. -279 Year- 2017 Thana -BETTIAH CITY District- WEST
CHAMPARAN(BETTIAH)

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1. Amir Arafat,
2. Md. Tarique, Both Sons of Late Md. Sami, R/o Illam Ram Chowk, Ganj
No. 2, P.O. and P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar

For the Informant : Mr. Fahad Khurshid

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned Additional P.P.

This application, for grant of anticipatory bail, arises
out of Bettiah Town P.S. Case No. 279/2017, disclosing offences
under Sections 448, 380/34 of the Indian Penal Code.

It is not in dispute that the petitioners are full brothers
and the informant is cousin of these petitioners.

Learned counsel for the petitioners has submitted that
the police upon completion of investigation submitted charge sheet
for the offence punishable under Section 448/34 of the Indian Penal
Code. The court below has further taken cognizance for the
offence punishable under Section 380 of the Indian Penal Code



also, which is not bailable, because of which, the petitioners apprehend their arrest.

Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that even warrant of arrest issued against the petitioners could not be executed and it has returned. He has submitted that since the process under Section 82 of the Cr.P.C. has been initiated, the petitioners do not deserve anticipatory bail.

However, considering the nature of relationship between the parties, genesis of occurrence and the fact that the police did not submit charge sheet under Section 380 of the Indian Penal Code, though cognizance has been taken by the court below under that Section also, this application is allowed. Let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the **learned Chief Judicial Magistrate, Bettiah, West Champaran** in connection with **Bettiah Town P.S. Case No. 279/2017**, subject to the condition laid down under Section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may



be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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