

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17696 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -ALINAGAR District- DARBHANGA

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1. Arse Alam @ Arman @ Md. Arse Azam, son of Late Farooque Azam, @ Late Rafooque Azam @ Late Beby
2. Mahtab @ Md. Mahtab, son of Late Moti, Both are resident of Village- Mohiuddinpur Pakri, Police Station- Ali Nagar, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Adv.
Mr. Naushiduzzoha

For the Opposite Party/s : Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-04-2017 The petitioners are apprehending his arrest in connection with Alinagar P.S. Case No. 78 of 2016, registered for offences punishable under Sections 341, 323, 504, 506, 354(B), 379, 417, 406, 420/34 of Indian Penal Code.

Allegation against petitioner no. 1 is that he assaulted the informant's husband by iron rod on his head and also tried to outrage the modesty of informant's daughter and against petitioner no. 2, general and omnibus allegation of assault has been levelled.

It has been submitted on behalf of the petitioners that they have falsely been implicated in this case. Moreover, the injuries caused to the informant by the assault of petitioner no. 1, was found to be simple in nature and further no specific allegation



has been levelled against petitioner no. 2. and even according to F.I.R. the dispute was with regard to transaction of some money and there was no intention of the petitioners to commit any offence attracting Section 354B or Section 307 Indian Penal Code.

Heard learned A.P.P. also.

Having heard both sides, so far petitioner no. 1 is concerned, considering the nature of allegations; I am not inclined to grant him the privilege of anticipatory bail. Accordingly prayer for anticipatory bail of petitioner no. 1 is rejected.

So far petitioner no. 2 is concerned, against him only general and omnibus allegations have been levelled against him as such, let the petitioner no. 2, namely, Mahtab @ Md. Mahtab , in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga, in connection with Ali Nagar P.S. Case No. 78 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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