

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42391 of 2017

Arising Out of PS.Case No. -13 Year- 2016 Thana -PALASI District- ARRARIA

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1. Md. Abu Bakar alias Abu Bakar, son of Shayad Ali.
 2. Md. Abu Talib alias Abu Talib, son of Shayad Ali.
 3. Isa alias Yusuf alias Md. Yusuf, son of Shayad Ali.
 4. Noor Alam, son of Hannan.
 5. Tafejul Haque alias Md. Tafejul Haque, son of Late Abul Kasim.
 6. Abdul Rafique alias A. Rafique, son of Late Sajjad Ali.
 7. Md. Faizul Haque, son of Late Imtiyaz Ali.
- All resident of village-Bhattabari, P.S. Palasi, District-Araria.

.... 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 20-09-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehends their arrest in connection with
Palasi P.S. Case No.13 of 2016/G.R. No.226 of 2016 registered
under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 and
379 of the Indian Penal Code.

The accusation is that on 24.01.2016 at about 07.30 A.M.,
when the informant Bibi Mahinoor was going to attend the call of
nature, at that time, the petitioner nos.1 and 2 started to abuse her
and denoting the name of her husband as thief. When the



informant made protest, the petitioner nos.1 and 2 started to cause assault her. In that course, the petitioner nos.3 to 7 and other accused came there and started to give threatening to kill the informant. When Abdul Gafur, Md. Sarif, Jiyaurrehman. Abdulla, Murtaza and Md. Sarfaraz came there to rescue the informant, the petitioner nos.1 and 2 taking the sword and Farsa from the hands of their associates caused injury to them. At that time, they also took the gold chain from the neck of the informant.

Learned counsel appearing on behalf of the petitioners submits that, in fact, at the time of the alleged occurrence, the brother of the petitioner no.2 was also assaulted by the husband of the informant and others, later on, he died, regarding which Palasi P.S. Case No.12 of 2016 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code was registered on the basis of the written report of the petitioner no.2 and Section 302 of the Indian Penal Code was also added later on. Further submission is that while the petitioner nos.3 to 7 are named in the F.I.R. but no specific overt act is attributed against them. While the injuries were found on the person of the informant but the opinion regarding the nature of the injuries was kept reserved.

Having considered the facts and the circumstances of the



case and the nature of allegation against the petitioner nos.1 and 2, above named, I am not inclined to grant anticipatory bail to the petitioner nos.1 and 2, above named. Accordingly, the prayer of the petitioner nos.1 and 2, above named, for grant of anticipatory bail stands rejected.

So far as the petitioner nos.3 to 7, above named, are concerned, let the petitioner nos.3 to 7, 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 Additional Chief Judicial Magistrate-III, Araria, in connection with Palasi P.S. Case No.13 of 2016/G.R. No.226 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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