

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35075 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -JOGBANI District- ARRARIA

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1. Md. Aiyub @ Bhutto, son of Sohan
 2. Md. Sohrab @ Sarfa, son of Md. Kasim
 3. Md. Majebul @ Md. Manibul,
 4. Md. Hasib, both sons of Md. Kasim
 5. Md. Estekhar, son of Md. Ayub
 6. Md. Nijam @ Najam, son of Sarfuddin
 7. Md. Munna, son of Sarfuddin
 8. Md. Ehsan, son of Sarfuddin
 9. Md. Hasebul, son of Md. Kasim
 10. Md. Manki, son of late Fajal
 11. Md. Sohan @ Md. Sohrab, son of late Budhan, all are residents of
Village - Dipoul, Ward No. 10, P.S. - Jogbani (Bathnaha), Dist - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 07-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in Jogbani
(Bathnaha) P.S. Case No.53 of 2017 instituted for the offence
under Section(s) 147, 148, 149, 341, 342, 323, 324, 325, 307,
427, 504, 379 Indian Penal Code.

As per written report, there is specific allegation
against petitioner No.2, Md. Sohrab @ Sarfa, and petitioner
No.6, Md. Nijam @ Najam, of assaulting the informant and Md.
Ghaffar with *farsa* and iron rod.



Injury Report of Md. Gaffar is available in the case diary. Injury report of the informant is not available in the case diary.

Keeping in view the specific allegation against these two petitioners, this Court is not inclined to extend the privilege of anticipatory bail to them.

Accordingly, prayer of petitioner No.2, Md. Sohrab @ Sarfa, and petitioner No.6, Md. Nijam @ Najam, for grant of anticipatory bail is rejected.

They may surrender before the Court below and seek regular bail, which shall be considered and disposed off by the court below in accordance with law without being prejudiced by this order.

So far other petitioners are concerned, there is general and omnibus allegation against them.

In the facts and circumstances of the case, prayer of the petitioners except petitioner Nos.2 and 6 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioners, named above, except petitioner Nos.2 and 6** within six weeks from today in connection with Jogbani (Bathnaha) P.S. Case No.53 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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