

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12002 of 2018

Arising Out of PS.Case No. -106 Year- 2017 Thana -DHANSORI District- BUXAR

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1. Arif, S/o Hasamuddin Ahmed,
 2. Minhaz,
 3. Md. Ehsan @ Ehasan,
 4. Waasil, all son of late Mustafa Mis @ Mustafa Mir, all resident of village- Banni, P.S.- Dhansoi, Dist- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Sri S.M. Rahman, APP

For the Informant : Mr. Surendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-04-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Dhansoi P.S.**

Case No.106 of 2017 instituted for the offence under Section(s)

302/34 Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioners submits that the police have not sent up these petitioners after investigation but cognizance has been taken against these petitioners also along with other accused persons.

In the written report, there is allegation that these petitioners have surrounded the brother of the informant and co-accused, Suddu @ Kalimuddin, caught hold the brother of the informant and then co-accused, Salimuddin @ Sonu, made firing on the head of brother of the informant, who died at the spot.



In this manner, petitioners are merely members of unlawful assembly.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Dhansoi P.S. Case No.106 of 2017**, they shall be released on anticipatory 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 **Additional Chief Judicial Magistrate- III, Buxar**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds 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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