

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34489 of 2018

Arising Out of PS.Case No. -263 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

- =====
1. Shamim Mian @ Md. Shamim @ Md. Shamim Mian, S/o Late Amin Miyan.
 2. Md. Shamshad @ Shamshad S/o Shalim Miyan, Both R/o village-Dharahara, P.S.- Ara (T), District- Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 02-07-2018 Heard both sides.

The petitioners apprehend their arrest in Ara (Town) P.S. Case No. 263/2017, registered for the offences punishable under Section 147, 148, 149, 341, 323, 326, 307, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

The informant named fifteen persons in the F.I.R. and alleged that Chand Miyan fired which hit on his left leg and he fell down on the ground. Naim Mistry also fired which hit the informant on his right leg. The other accused persons also assaulted his brother Aiyaz Anwar.

Learned counsel for the petitioners submits that there is counter version being Ara (Town) P.S. Case No. 254/2017. There



is no allegation of firing or assault against the petitioners. Similarly situated co-accused persons namely, Mahangu Miyan, Jumman, Mohd. Mumtaz have already been granted anticipatory bail vide orders passed in Cr. Misc. 33406/2018 and 33461/2018. The case of the petitioners stands on the same footing.

Considering the facts aforesaid and the fact that no specific allegation of firing is made against the petitioners and the informant made specific allegation of firing against Chand Miyan and Naim Mistry and other similarly situated co-accused persons have already been granted anticipatory bail, the petitioners above-named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara (Town) P.S. Case No. 263/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J)

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