

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70927 of 2018

Arising Out of PS. Case No.-64 Year-2015 Thana- BABUBARHI District- Madhubani

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1. Md. Mustquim, Son of Md. Abdul Latif
 2. Md. Izharul @ Md. Izrail Haque, Son of Md. Abdul Latif
 3. Md. Shamim @ Shamim Ahamad, Son of Md. Abdul Latif
 4. Md. Israil Son of Md. Muslim
 5. Md. Mukhtar @ Md. Mokhtar Alam, Son of Md. Murtuza Hussain
 6. Md. Israfil Son of Md. Muslim,
 7. Md. Mojibur Rahman Son of Md. Ayub
- All Village-Babubarhi, P.S. Babubarhi, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr. S.M. Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/307/323/341/353/384/504 of the Indian Penal
Code.

The prosecution case got initiated on the basis of written
report submitted by Md. Jahagir Ali to the Station House
Officer, Babubarhi Police Station to the effect the informant
being the Secretary of Islahul Muslemin Baburhi Madarsa on
07.05.2015 at 7.15 A.M. made an inspection of the aforesaid



Madarsa and asked about it from petitioner no.1, Md. Mustquim, the Assistant teacher of the said Madarsa, then he accompanied the informant into a room and requested to take seat. Later on petitioner no.2, Izharul Haque locked the door from outside. Subsequently, all the accused persons named in the FIR variously armed arrived there, opened the door and they assaulted the informant and caused injury.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against all the FIR named accused persons, including the petitioners. On conclusion of investigation, the final form was submitted under the bailable provisions, however, differing with the final form cognizance was taken. There is a counter version of the occurrence, being Babuarhi P.S. Case 63 of 2015. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the omnibus and general nature of accusation, on conclusion of investigation, final form was submitted under bailable provisions, coupled with statement made in paragraph no.3 of the petition that the petitioners are



not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Madhubani, in connection with Babubarhi P.S. Case No.64 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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