

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71663 of 2018

Arising Out of PS. Case No.-240 Year-2016 Thana- SAHARSA District- Saharsa

Hayat @ Md. Hayat Khan, Son of Mustak @ Mustak Khan, Resident of
Village- Saharsa Basti, Ward No. 38, P.S. + District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay
For the Opposite Party/s : Mr. Sri Anant Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 427, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Md. Ovesh Karani dated 08.03.2018 submitted to the Station House Officer of Saharsa Sadar Police Station is to the effect that the informant went to the house of Md. Mansoor Alam by his own vehicle for collection of a due amount. The informant parked his vehicle on the road and went in the house of Moti, in the meantime, he heard the sound of pelting of stones and bricks and of firing on his vehicle and he also heard threats being given



to him in an abusive language and the informant then hid himself in the house of Md. Kalam and after two hours the informant came out. Thereafter, Md. Javed, Md. Firoj and Hayat, the petitioner threatened the informant to compromise the earlier case filed by the informant. It is further alleged that co-accused Javed and Firoj resorted to indiscriminate firing.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the petitioner and there is no specific accusation of firing against him. The only accusation against the petitioner is of having threatened the informant, along with others to compromise the earlier case. The petitioner is accused in another case being Saharsa Sadar P.S. Case No. 214 of 2018 lodged by the informant.

Learned APP submits that the petitioner is named in the First Information Report.

Considering the accusation being omnibus and general against the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in



connection with Saharsa Sadar P.S. Case No. 240 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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