

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12433 of 2018

Arising Out of PS.Case No. -62 Year- 2016 Thana -KALUAHI District- MADHUBANI

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1. Md. Arshi, son of late Hassan Imam @ Peshkar
 2. Md. Shamim @ Md. Nashim @ Nasin, son of Sakina and late Md. Ishlam
 3. Md.Chand, son of Md. Lal
 4. Md.Akil Nadaf @ Akil Nadaf, son of Zakinadaf
 5. Md. Majnoo, son of Khalil Nadaf
 6. Md. Kalam, son of Md. Hamid @ Manna
- All resident of village Kaparia, P.S. Kaluahi, Distt. Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Kaluahi P.S. Case No. 62 of 2016** instituted for the offence under Sections 147, 148, 149, 341, 342, 323, 333, 307, 353, 427 and 504 of the Indian Penal Code.

It is alleged in the written report that on rumour that a boy had met with an accident resulting his death by an unidentified Scorpio Jeep, the informant along with other police personnel reached at the place of occurrence where 100-150 persons including petitioners armed with deadly weapons started



abusing and attacked on the police party. They also obstructed in discharging their official duty. It is further alleged that the informant tried to pacify the mob but they confined the informant and also damaged police jeep.

As such, mere general and omnibus allegation has been levelled against the petitioners.

Learned counsel for the petitioners has submitted that injury report of the informant has been enclosed as Annexure-2 wherein the Doctor has found no external injury on the person of the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Kaluahi P.S. Case No. 62 of 2016**, 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 **learned Judicial Magistrate, 1st Class, Madhubani**, 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 bond 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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