

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52250 of 2017

Arising Out of PS.Case No. -203 Year- 2017 Thana -FATEHPUR District- GAYA

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1. Md. Majid Hussain, Son of Late Md. Ghulam Nabi,
2. Md. Shahid, Son of Late Md. Ghulam Nabi,
3. Md. Neyaz, Son of Abdul Quddus,
4. Md. Sajid, Son of Late Md. Gulam Nabi,
5. Md. Akbar, Son of Abdul Quddus, All resident of Village- Gamhari,
Police Station- Fatehpur, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Fatehpur P.S. Case No. 203 of 2017 instituted for the offence under Sections-307, 353, 224, 225, 337 & other minor Sections of the Indian Penal Code.

There is general and omnibus allegation against the petitioners that when police arrested one Md. Shahid an accused of Complaint Case No. 814 of 2014, then these petitioners along with 20 unknown persons abused the police party and also assaulted them. The wife of Md. Shahid raised hulla and called several persons. The accused persons became successful in rescuing arrested accused Md. Shahid from the confinement of the police.

As such, mere general and omnibus allegation has been



levelled against the petitioners. There is no allegation of any specific overt act against the petitioners.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Fatehpur P.S. Case No. 203 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to condition as laid down u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of the petitioners 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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