

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51831 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Samima Khatoon W/o Md. Samad, R/o Village- Ninga, Western Tola
(Paschim Tola), P.S.- Barauni, in the District of Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Md. Gaffur @ Gafo, S/o Late Md. Rayeesuddin,
3. Md. Mahboob, S/o Md. Azaam,
4. Md. Naseem S/o Late Md. Shareef, All R/o Village- Ninga, P.S.-
Barauni, in the District of Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-01-2018 The petitioner has challenged the order dated 01.04.2017 passed by the learned Additional Chief Judicial Magistrate, Begusarai, whereby opposite party nos. 2 to 4 have been granted bail in connection with Barauni P.S. Case No. 62/2016 dated 13.02.2016 instituted for the offences under Sections 147, 148, 341, 323, 447, 307, 427 and 380 of the Indian Penal Code.

From the perusal of the F.I.R., it appears that opposite party nos. 2 to 4 abused and assaulted the members of the prosecution party and also took away belongings from the house. It further appears that charge-sheet was submitted under bailable Sections of the Indian Penal Code, but cognizance was taken under Section 307 of the Indian Penal Code as well.

Mr. Akhileshwar Prasad Singh, learned senior



Advocate for the petitioner has submitted that the anticipatory bail of the opposite parties were rejected by the learned Sessions Judge, but thereafter, on surrender, the opposite parties were granted bail on the first date by the learned Additional Chief Judicial Magistrate. He has further submitted that the requirements of Section 437 of the Cr.P.C. have not been followed by the learned court while granting bail to the opposite parties.

From the order impugned, it appears that the court below took note of the fact that some of the other accused persons had been granted bail and the opposite parties had appeared *suo motu* before the court. As against the aforesaid order granting bail to the opposite parties, the petitioner had preferred a revision petition also before the learned Sessions Judge, Begusarai vide Cr. Rev. No. 121/2017, which too was rejected vide order dated 16.05.2017, holding that there was complete application of mind of the learned Additional Chief Judicial Magistrate, Begusarai while granting bail to the opposite parties.

For the aforesaid facts, this Court is not inclined to interfere with the order granting bail to opposite party nos. 2 to 4.

The application is, accordingly, dismissed.

(Ashutosh Kumar, J.)

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