

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38676 of 2018

Arising Out of PS. Case No.-272 Year-2016 Thana- HARSIDHI District- East Champaran

Md. Farooque Mukhia @ Farooque Azam @ Marooque Azam S/o M. Sharif
Ansari, R/o Vill.- Dudhahi, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Harsidhi P.S. case no.
272 of 2016 instituted for the offence under Section(s) 147,149,
323, 307, 353, 222, 223, 224, 225 and 120B of the Indian
Penal Code.

It is submitted that there is general and omnibus
allegation against this petitioner as member of unlawful
assembly. It is alleged in the written report that the trap team has
caught red handed one B.D.O., namely, Lokendra Kumar and
his accountant, namely, Anjan Kumar. While they were being
taken from his chamber about 300-400 persons assembled and



they resorted to stone pelting at the instance of aforesaid Lokendra Kumar and Anjan Kumar as a result of which they managed to run away. As such, mere vague and general allegation has been levelled against this petitioner. The other co-accused person of this case has already been granted anticipatory bail by coordinate Bench of this Court vide order dated 3.5.2017 passed in Cr. Misc. no. 13125 of 2017.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Harsidhi P.S. case no. 272 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, Dist. East Champaran, 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) petitioner 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 automatically cancel bail bond of the petitioner and (3) if



petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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