

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58374 of 2017

Arising Out of PS.Case No. -147 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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Md. Fahim Farooque @ Md. Fahim Farooque son of Md. Farooque @
Farooque Resident of Village - Jitwarpur Chowk, Police Station - Muffasil,
District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-02-2018 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with
Ujiarpur PS case no. 147 of 2017 dated 2.9.2017 registered for the
offences punishable under Sections 323, 341, 363, 379, 448, 504,
506 and 511 of the Indian Penal Code.

At the outset, upon perusal of the report sent by the Sub-
Divisional Judicial Magistrate, Dalsingsarai it transpires that the
petitioner has not till date been declared proclaimed offender/
absconder, hence, the present anticipatory bail application is being
heard on merits.

The case of the prosecution is that the petitioner and another
accused persons had abused the daughter of the informant and had



also assaulted the informant and her daughter, whereafter the accused persons had snatched her gold chain.

The learned counsel for the petitioner submits that as far as the case of the informant pertaining to snatching of gold chain is concerned, the same has not been *prima facie* found to be correct during the course of investigation. It is the submission of the learned counsel for the petitioner that except Section 379 of the Indian Penal Code, other Sections are bailable, hence a lenient view be taken. It is further submitted that the petitioner has a clean antecedent.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that the petitioner and other accused persons are disrupting the peaceful living of the informant.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dalsingsarai in connection with Ujiarpur PS case no. 147 of 2017, subject to the



conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner would mark his presence before the Officer Incharge of the concerned Police Station at 10 A.M. on each and every Monday of the month and on account of his failure on two consecutive occasions to mark his attendance, the present privilege of anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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