

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66899 of 2018**

Arising Out of PS. Case No.-125 Year-2018 Thana- FULKAHA District- Araria

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1. NOOR SALAM @ KHIKARU JAT, Son of Masruddin @ Khikara Jat,
  2. Masruddin @ Maruruddin @ Khikar Jat @ Khikhara Jat, S/o Nagru Jat,
  3. Tauhid Mian @ Md. Tauhid @ Tauhid, Son of Azim Mian, All resident of Village- Jatwara, Ward No-17 Pathraha, P.S.- Ghurna, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      17-12-2018                      Heard learned counsel for the parties.

Petitioners are apprehending arrest in connection with Fulkaha PS Case No. 125/2018 for the offence under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the petitioners have no criminal antecedent. Referring to the prosecution case he submits that allegation against petitioner no.1 is that he has assaulted with the butt of gun and there is no specific allegation of overt act against petitioner nos. 2 and 3.

Considering the aforesaid, this application is allowed in so far as petitioner nos. 2 and 3 are concerned. Accordingly, in the event of arrest or surrender before the court below within



a period of one month from today, the petitioner nos. 2 and 3 above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1<sup>st</sup> Class, Araria in connection with Fulkaha PS Case No. 125/2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In so far as petitioner no.1 is concerned, the Court is not inclined to grant him the privilege of anticipatory bail as he is alleged to have given blow to the injured Randhir Singh. However, dismissal of the application for anticipatory bail of petitioner no.1 will not cause any prejudice in the event he surrenders before the concerned court below and prays for regular bail, the court below will in such situation will consider the application for regular bail on its own merit and dispose of the same without being influenced by the order of this Court.

**(Anil Kumar Upadhyay, J)**

mrl./-

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