

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71621 of 2018

Arising Out of PS. Case No.-81 Year-2018 Thana- NIMACHANDPURA District- Begusarai

1. Md. Alam, Son of Late Md. Idris.
 2. Md. Rustum, Son of Late Md. Idris.
 3. Md. Jahangir, Son of Late Md. Idris.
 4. Md. Ashraf, Son of Late Md. Idris.
 5. Md. Mateen @ Md. Mateem, Son of Md. Alam.
 6. Md. Moquim @ Md. Moquin, Son of Md. Alam.
- All residents of Village- Kusmahaut, P.S. Nimachandpura,
District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sandip Kumar Gautam
For the Opposite Party/s :	Mr. Sri Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody and as such the application has become infructuous.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

Further, counsel for the petitioners is permitted to make necessary corrections in the alias name of petitioner nos. 5 and 6 in course of the day.

Heard learned counsel for the petitioners and learned



APP for the State.

The petitioner nos. 1 and 3 to 6 are apprehending their arrest in a case registered under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was engaged in boring of a tube well, the accused persons protested and assaulted him due to which he sustained injury.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 3 to 6 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 and 3 to 6. The petitioner nos. 1 and 3 to 6 have falsely been implicated in the present case. There is a case and counter case between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner nos. 1 and 3 to 6 are named in the F.I.R./complaint case. Counsel for the informant has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3 to 6, above named, in the event of



arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -VI, Begusarai in connection with Nimachandpura P.S. Case No. 81 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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