

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26736 of 2018

Arising Out of PS.Case No. -163 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

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1. Naj Akhtar, S/o Late Ali Hasan
2. Parwej Akhtar S/o Late Ali Hasan
3. Amirul Khatoon W/o Late Ali Hasan, All R/o Vill.- Balua, P.S.- Runnisaidpur, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 21-06-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Runnisaidpur P.S. Case No. 163 of 2015 registered for the offences punishable under Sections 341, 323, 379, 354, 504/34 of the Indian Penal Code.

The accusation against the petitioners is that they assaulted the informant by means of farsa, lathi and sword.

From perusal of para-32 of the case diary it would appear that petitioners were noticed under Section 41(1) of the Cr.P.C. and in response to the aforesaid notice, they appeared before the investigating officer and after enquiry the investigating



officer took bonds from the petitioners and directed them to seek bail from the competent court. Furthermore, the aforesaid paragraph of the case diary goes to show that after investigation police found the case true under Sections 341, 323, 354, 504/34 of the Indian Penal Code. Admittedly, except Section 354 of the Indian Penal Code, all the remaining sections are bailable in nature and no specific allegation of Section 354 of the Indian Penal Code has been attributed against the petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of directing the petitioners to surrender before the court below within four weeks from the date of receipt/production of copy of this order and seek regular bail, which shall be considered by the concerned court on its own merit, particularly, keeping in mind the observation given in this order as well as this aspect of the matter that except Section 354 of the Indian Penal Code, almost all the sections are bailable in nature.

(Hemant Kumar Srivastava, J)

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