

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10041 of 2018

Arising Out of PS. Case No.-59 Year-2017 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Nisar Ahmad @ Shekh Nesar, S/o Shekh Nehal @ Shekh Jehal,
 2. Sk. Harun S/o Sk. Saiful,
 3. Sabir @ Bikranata S/o Late Sk. Maluk @ Late Sk. Malul null
 4. Sk. Abid S/o Late Sk. Maluk @ Late Sk. Malul,
 5. Sk. Nasim S/o Late Sk. Maluk @ Late Sk. Malul, All R/o
Village- Bherihari, P.S.- Purushottampur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. SRI RAM SUMIRAN ROY

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-02-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Purushottampur P.S. Case No. 59 of 2017 registered for the offence punishable under Sections 353, 323, 504 and 34 of the Indian Penal Code.

The case of the prosecution is that when the Police was on patrolling they received secret information that some animal smugglers were trying to take away the cattles. When the police reached the said place, 25-30 unknown persons armed with lathi, danda and bricks started assaulting the police force.



The learned counsel for the petitioners at the outset seeks permission to withdraw the anticipatory bail application as far as the petitioner no. 1 and 3 are concerned, with the liberty to approach the concerned court for grant of regular bail.

Accordingly, the present petition as far as the petitioners no. 1 and 3 are concerned, is disposed of as withdrawn.

The learned counsel for the petitioners submits that as far as the petitioner no. 4 and 5 are concerned, they are having a clean antecedent and as far as the petitioner no. 2 is concerned, barring two cases which are pending under minor offences , there is no other case against them. It is further submitted that as far as these surviving petitioners of the present petition are concerned, there is a general and omnibus allegation and no specific allegation of any assault against the police party has been levelled against him.

Considering the fact that the petitioners no. 4 and 5 are having a clean antecedent and the petitioner no. 2 is having two cases against him which pertains to minor offences, I deem it fit and proper to admit the petitioners no. 2, 4 and 5 herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Purushottampur P.S. Case No. 59 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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