

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7631 of 2018

Arising Out of PS.Case No. -691 Year- 2017 Thana -ARARIA District- ARRARIA

- =====
1. Md. Afaque Alam @ Md. Afaque, S/o Gheyasuddin @ Md. Geyas,
 2. Ruksana W/o Md. Afaque Alam @ Md. Afaque, Both are R/o Village-
Koshkipur, P.S.- Araria, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-02-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Araria P.S. Case No.691 of 2017 registered
for the offence punishable under Sections 341, 323, 504, 506/34,
324, 326, 307 of the Indian Penal Code

The case of the prosecution is that when the
informant was going along with the accused persons, the father of
one Md. Aftar directed the said Md. Aftar to hit the informant
whereupon the said Md. Aftar had hit the informant with a big
stone causing serious injuries to the informant.

The learned counsel for the petitioner submits that
upon reading of the F.I.R., it would transpire that the said father



of Md. Aftar is said to have exhorted some unknown persons to hit the informant, however, he was not the order giver. It is further submitted that the F.I.R. has been filed after a delay of about one month three days and the petitioners are having a clean antecedent. It is also submitted that despite there being no allegation of any overt act as against the petitioner no.2, she has been falsely implicated and made an accused.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the even 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 C.J.M., Araria in connection with Araria P.S. Case No.691 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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