

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10684 of 2018

Arising Out of PS.Case No. -492 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. Md. Rizwan, Son of Late Md. Safi Ahmad,
2. Md. Razi alias Md. Raziur Rahman, Son of Late Md. Safi Ahmad.
3. Md. Raja Son of Late Md. Safi Ahmad.
4. Md. Raju, Son of Late Md. Safi Ahmad.
5. Md. Eshrar, Son of Late SK. Habihullah.
6. Md. Anjar @ Md. Anjar Alam, Son of Md. Eshrar.
7. Javed @ Md. Javed Akhtar alias Arshad, Son of Md. Razi
8. Md. Ajrul @ Ajrul, Son of Tabibullah.
9. Md. Lal @ Washim Akram @ Wasim Raja, Son of Md. Ajrul.
10. Mahmood @ Mahmood Salik, Son of Late Amirulah.
11. Gulab Son of Md. Ajrul.
12. Md. Aadil @ Aadil, Son of Md. Mahmood.
13. Aasif Ali @ Md. Aasif, Son of Md. Mahmood.
14. Md. Afroz Son of Tetar.
15. Md. Sanfu alias Md. Sarfraz @ Sarfu, Son of Md. Tetar, All Residents of Village- Chakorwa, Ward No. 15, P.S. Narpatganj (Bathnaha) District- Araria.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr.Advocate with
Ms. Rashmi Bharti, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-02-2018 At the very outset, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.5, Md. Eshrar, stating that he has been arrested during the pendency of this application.

Accordingly, this application is dismissed as withdrawn with respect to petitioner No.5.



Petitioners apprehend their arrest in connection with Narpatganj (Bathnaha) P.S.Case No. 492 of 2017 registered under Sections 323, 324, 325, 307, 427 and 379/34 of the Indian Penal Code.

Petitioners are named in the FIR and there is allegation that they have assaulted the informant and others and specific allegation of firing is against petitioner No.1 Md. Rizwan.

Submission of learned counsel for the petitioners is that there is no specific allegation of firing and nobody had received injury and other co-accused has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 9.2.2018 passed in Cr.Misc.No. 5316 of 2018.

Heard learned APP also, who has opposed the prayer for anticipatory bail stating that there is specific allegation against petitioner No.1 of firing on the informant.

Having heard both sides and in view of facts and circumstances, let the petitioners Nos. 2 to 4 and 6 to 15, above named, in the event of their arrest or surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in connection with Narpatganj (Bathnaha)



P.S.Case No. 492 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that (1) one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned and (2) petitioners shall co-operate in investigation and appear before the Investigating Officer as and when required, except on genuine ground, failing which their bail bonds shall be cancelled.

So far prayer for anticipatory bail of petitioner No.1 is concerned, in the facts and circumstances, his prayer for anticipatory bail is rejected. He is directed to surrender within a period of six weeks and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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