

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5580 of 2018

Arising Out of PS.Case No. -285 Year- 2009 Thana -BISFI District- MADHUBANI

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1. Md. Hassan @ Md. Hassan Raza Son of Late Md. Kasim
2. Md. Shamsheer @ Md. Shamsheer Ahmad Son of Md. Omair Both
Resident of Village-Bardaha P.s. Bisfi (Patauna O.P.) District Madhubani.
..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Kamran

For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-03-2018 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 Bisfi (Patauna O.P.) PS case no. 285 of 2009
registered for the offences punishable under Sections 341, 353,
307, 225, 333/34 of Indian Penal Code.

At the outset, the learned counsel for the petitioners
submits that by mistake, the petitioner no. 2 has been arrayed in
the cause title, however the fact is that he has already been
arrested prior to filing of the present petition.

In such view of the matter, the present petition is
dismissed *qua* the petitioner no. 2.

The case of the prosecution is regarding the accused
persons rescuing and enabling a criminal to flee away while he
had been apprehended by the police and was being taken away.



The learned counsel for the petitioner submits that as far as the petitioner herein is concerned, he is a non-FIR named accused person and during the course of investigation, his name is transpired, however the petitioner herein has got no role to play in the alleged incident. It is further submitted that infact, though there may be an allegation of assault but there is no injury report on the record of the case diary to corroborate the same. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Madhubani in connection with Bisfi (Patauna O.P.) PS case no. 285 of 2009 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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