

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76090 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- BASANHI District- Saharsa

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1. Md. Sajjam, S/o Md. Farid
 2. Md. Dildar S/o Md. Rajjak
 3. Md. Naushad @ Naushad Alam S/o Md. Rajjak
 4. Roshan Ara, W/o Md. Rajjak
 5. Md. Rajjak S/o Md. Latif All are resident of Village- Bailatha, P.S.- Basnahi, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma
For the Opposite Party/s : Mr. Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Basnahi P.S. Case No. 56 of 2018 registered for the offences
punishable under Section 307 and other allied sections of the
Indian Penal Code.

The first information report reflects that it was
petitioner no. 5, namely, Md. Rajjak who assaulted the
informant as well as informant's father and so far as petitioners
no. 1, 2, 3 and 4 are concerned, no specific overt-act has been
attributed against them. No doubt, the informant's father
received simple injury but the injury report of informant has not



been brought on record.

Submission on behalf of the petitioners is that as a matter of fact, the maternal nephew of informant had teased one Sonam Khatoon who happens to be family members of the petitioners and Tausifa Khatoon, who is family members of petitioners, lodged Basnahi P.S. Case No. 65 of 2018 and the informant of the present case filed the present case with an object to save the skin of his maternal nephew from the above stated Basnahi P.S. Case No. 65 of 2018.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioners no. 1, 2, 3 and 4, named above, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IIIrd, Saharsa in Basnahi P.S. Case No. 56 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as prayer for anticipatory bail of petitioner no. 5, namely, Md. Rajjak is concerned, the same stands rejected. However, if petitioner no. 5 surrenders before the court below



within six weeks from today and seeks regular bail, the concerned court shall consider the regular bail application of petitioner no. 5 on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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