

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2717 of 2019

Arising Out of PS. Case No.-536 Year-2017 Thana- NARPATGANJ District- Araria

1. Md. Shamshad @ Md. Shamshad Alam son of Late Mofique Alam Vill-Bardaha PS-Narpatganj Dist.-Araria
2. Basir @ Md. Basir son of Kalimuddin @ Kalimulla Vill-Bardaha PS-Narpatganj Dist.-Araria
3. Md. Nazir @ Md. Nazer son of Kalimuddin @ Kalimulla Vill-Bardaha PS-Narpatganj Dist.-Araria
4. Md. Zubair son of Basiruddin Vill-Bardaha PS-Narpatganj Dist.-Araria
5. Noor Mohammad son of Basiruddin Vill-Bardaha PS-Narpatganj Dist.-Araria
6. Md. Ubesh son of Basiruddin Vill-Bardaha PS-Narpatganj Dist.-Araria
7. Samim @ Md. Shamim Alam son of Late Mofique Alam Vill-Bardaha PS-Narpatganj Dist.-Araria
8. Md. Naim @ Naimuddin son of Late Mofique Alam Vill-Bardaha PS-Narpatganj Dist.-Araria
9. Md. Moin @ Moin son of Late Mofique Alam Vill-Bardaha PS-Narpatganj Dist.-Araria

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners apprehend their arrest in connection with Narpatganj, P.S. Case No. 536 of 2017 registered for the offences punishable under Sections 341, 323, 354-B, 379, 307, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners and the informant are co-villagers and they had a



land dispute in which it appears that the alleged occurrence has taken place. It is, however, submitted that the allegations are false and baseless. There is also a counter case lodged by the petitioners' side.

On the other hand, learned APP for the State submits that out of 9 petitioners, there are specific allegation against petitioner nos. 1, 2, 4, 5 and 7 who had allegedly attacked the informant's side with deadly weapon and assaulted on the vital part of the body. As regards the other 4 petitioners, there are general and omnibus allegations.

In the given facts and circumstance of the case, so far as petitioner nos. 1, 2, 4, 5 and 7 are concerned, considering that there are allegations that they were lashed with deadly weapons and had attacked on the vital part of the body of the informant's side, this Court is not inclined to grant anticipatory bail to them. Their prayer is, thus, refused.

In case, they surrender and pray for regular bail in the court below within four weeks from today, the same shall be considered on its own merit without being prejudiced by the present order of this Court.

So far as petitioner nos. 3, 6, 8 and 9 above named are concerned, since there are general and omnibus allegations



against them and at best they may be said to be the members of the unlawful assembly, this Court is inclined to grant them privilege of anticipatory bail. The petitioner nos. 3, 6, 8 and 9 above named, in case of their arrest or surrender within four weeks from today, are directed to be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Narpatganj P. S. Case No. 536 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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