

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4366 of 2019

Arising Out of PS. Case No.-280 Year-2016 Thana- ARARIA District- Araria

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1. Sad Ahmad @ Shad Ahmad Babloo @ Shad Ahmad s/o Lal Ahmad @ Azad Ahmad Resident of Village- Bairgachhi
 2. Abdul Mannan @ Abdul Hannan s/o Late Taha Resident of Village- Farasut, Both resident of P.S.- Araria (Bairgachhi), District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-01-2019 Heard the learned counsel for the petitioners

and the State.

The petitioners seek bail in anticipation of their arrest in connection with Araria (Bairgachhi) P.S. Case No. 280/2016 dated 18.05.2016 instituted for the offences under Sections 147, 148, 149, 342, 323, 324, 307, 379 and 427 of the Indian Penal Code and section 27 of the Arms Act.

An occurrence is said to have taken place during the election day, when the petitioner no. 1 along with his supporters is alleged to have threatened the



voters to cast their votes in his favour. In the occurrence, some of the persons who were present at one place, were injured.

Learned counsel for the petitioners has submitted that deliberately the present case has been lodged, making the petitioner no. 1 as one of the accused for the purposes of taking advantage in the election of Mukhia in which the petitioner no. 1 was one of the contestants. The allegations in the F.I.R. are general and omnibus. Some of the accused persons, similarly situated, have been granted anticipatory bail by a Bench of this court by order dated 04.12.2018 passed in Cr. Misc. No. 65520/2018. In the aforesaid order, it has been observed that the case diary does not contain the injury reports of the injured persons. In that event, it would be difficult to ascertain whether any case under Section 307 is made out.

The petitioners, though, are named in the F.I.R., but they have not been specifically attributed with



any overt act.

Regard being had to the aforesaid fact as also taking into account clean antecedents of the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 280/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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