

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8648 of 2019

Arising Out of PS. Case No.-279 Year-2017 Thana- ARARIA District- Araria

1. Md. Kafil @ Abdul Lahil Kafi, aged about 71 years, Gender-Male, Son of Late Md. Sikandar Ali.
2. Abdul Matin @ Abdul Mateen, age-68 years, Gender-Male, Son of Late Md. Sikandar Ali
3. Wabdur @ Abaidur Rahman, age-60 years, Gender-Male, Son of Late Hanif, all Resident of Village - Dumra, Ward No.- 10, P.S.- Bounsi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 120B/34 of the IPC.

The prosecution case, as per the fardbeyan of Jaloshan Khatoon recorded by S.I., Ashok Singh, on 30.04.2017 is to the effect that on the same day at about 7 A.M., parents and uncles of the informant came and caught hold of the sister of the informant, namely, Bibi Sarifa, in the meantime, co-accused, Safil, Abdulla and Mehboob also came and threatened to kill the sister of the informant. It alleged that except co-accused Israfil, all the FIR named accused persons started assaulting the sister



of the informant with iron rod and stick of bamboo causing bleeding injury. On alarm being raised, when nearby people assembled, then all the accused persons escaped from the scene, but immediately thereafter, the sister of the informant died.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR. Their names subsequently sprang up during investigation, but on conclusion of investigation, they have not been sent up for trial, but differing with the final form, cognizance has been taken against the petitioners also. It is further submitted that accusation is specific against the FIR named accused persons. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the name of the petitioners sprang up during investigation.

Considering the fact that specific accusation of assault has been alleged against the FIR named accused persons and on conclusion of investigation, the petitioners have not been sent for trial, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Araria in connection with Araria P.S. Case No. 279 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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