

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10044 of 2019

Arising Out of PS. Case No.-250 Year-2017 Thana- BAUSI District- Purnia

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1. Saiful, Son of Sahid. Resident of Village - Masnadpur, Chatangi Hat, P.S.- Baisi, District- Purnea.
 2. Raiful. Son of Sahid Resident of Village - Masnadpur, Chatangi Hat, P.S.- Baisi, District-Purnea
 3. Hasnain, Son of Mustakim, Resident of Village - Masnadpur, Chatangi Hat, P.S.- Baisi, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case initially registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 427 of the IPC and Section 27 of the Arms Act. Subsequently, Section 302 IPC was also added.

The prosecution case, as per the written report of Shahnaj Praveen, dated 17.12.2017, submitted to the Station House Officer, Baisi Police Station, is to the effect that on 16.12.2017 at 2.30 P.M., all of a sudden, all the 13 FIR named accused persons including the petitioners entered into the stitch shop of the informant and started ransacking the shop of the informant



and on protest being made, co-accused Sanfaraj and Sahubuddin dragged the husband of the informant, assaulted him and snatched Rs. 2,000/- when the other accused persons assaulted the son-in-law and brother-in-law of the informant with iron rod. It is alleged that co-accused Mustakim assaulted the brother-in-law of the informant, namely, Ansar, with farsa, as a result, he fell down. Thereafter, Ansar was taken to Primary Health Centre, Baisi and from there, to Sadar Hospital, Purnia. Ultimately, Ansar succumbed to the injuries.

It is submitted by learned counsel for the petitioners that accusation against the petitioners is omnibus and general. Specific accusation of assaulting Ansar is against co-accused, Md. Mustakim and the postmortem report of Ansar reflects corresponding injuries. It is further submitted that similarly situated co-accused persons have been granted privilege of anticipatory bail by different Benches of this Court, vide order dated 06.04.2018, passed in Cr. Misc. No. 15473 of 2018 and vide order dated 24.09.2018, passed in Cr. Misc. No. 49559 of 2018. 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 petitioners are named in the



FIR with specific accusation.

Considering the fact that the accusation of assault to the husband of the informant is general and omnibus against 13 FIR named accused persons including the petitioners and the specific accusation of assaulting the victim is alleged against co-accused, Md. Mustakim, 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 petitioners 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 250 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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