

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16807 of 2019

Arising Out of PS. Case No.-864 Year-2018 Thana- FORBESGANJ District- Araria

1. Md. Kalam Male, son of Late Rashid.
2. Shamsad @ Md. Shamsad @ Md. Samsad, son of Late Sharif
Both are R/o village- Mirzapur, Ward No. 8, P.S.- Simraha (Forbesganj),
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate

For the Opposite Party/s : Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Forbesganj P.S. Case No.864 of 2018,
registered for the offence punishable under Sections 147, 149,
447, 323, 324, 325, 327, 307, 504, 506 of the Indian Penal
Code.

Allegation against the petitioner no.1 is to have
assaulted on the leg of uncle of the informant.

Considering the nature of allegation, let the
petitioner no.1, namely, Md. Kalam Male, be released on
anticipatory bail in the event of his arrest or surrender before the



learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No.864 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. Further condition is that whenever the police will call the petitioner no.1 for the purposes of investigation and interrogation, he will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

Allegation against the petitioner no.2 is to have assaulted by iron rod on the uncle of the informant.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner no.2.

Accordingly, the prayer for bail of the petitioner no. 2 is rejected.

However, if the petitioner no.2 surrenders before the Court below within four weeks from today and prays for regular bail, the Court below will consider the same and pass



appropriate order on the same day without being influenced by
the order of this Court.

(Shivaji Pandey, J)

V.K.Pandey/-

U		T	
---	--	---	--

