

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23219 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. Azaz Ahmad, Male, aged about 80 years, Son of Late Habibullah
2. Syed Kasim Ahmad @ Kasim Azaz, aged about 42 years, Son of Azaz Ahmad
3. Faiyaz Ahmad, Male, aged about 40 years, Son of Rafik Ahmad
All are resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Learned counsel for the petitioners prays for and is
allowed to withdraw this application as against the petitioner
no.1 who has died during pendency of this bail petition and,
hence, the present order is confined to the petitioner nos. 2 & 3
only.

In this case, the petitioners are apprehending their
arrest in connection with Uchakagaon P.S. Case No. 330 of
2018 registered for offences under sections 341, 323, 307, 379,
504, 34 of the Indian Penal Code and Section 27 of the Arms



Act.

In the First Information Report, an allegation has been made against the accused persons including the petitioners that they, armed with different weapons, came to the door of the Informant and started hurling abuses and, later on, they altercate with the Informant and other family members.

Specific allegation has been made against the co-accused Nasim Ahmad of firing which hit on the wall and, thereafter, assaulting the Informant with the butt of the gun on his waist and head.

There is a case and counter case between the parties.

There being no specific allegation of any overt act against the petitioners as also looking to the entire facts and circumstances of the case, let the petitioner nos. 2 & 3, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IXth, Gopalganj in connection with Uchakagaon P.S. Case No. 330 of 2018 subject to the conditions as laid down under Section 438(2) of the



Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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