

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41257 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- ARARIA District- Araria

1. MD. RAYYAN @ RAYYAN @ RAYAN, aged about 25 years, Male, Son of Late Irfan, Resident of Village - Rampur Budheshwari (Uttar Tola) Ward No. 3, P.S.- Bairgachhi, District - Araria
2. Ajam, aged about 35 years, Male, Son of Late Kafil, Resident of Village - Rampur Budheshwari (Uttar Tola) Ward No. 3, P.S.- Bairgachhi, District - Araria
3. Md. Jiyad @ Jiyad, aged about 40 years, Male, Son of Late Basir, Resident of Village - Rampur Budheshwari (Uttar Tola) Ward No. 3, P.S.- Bairgachhi, District - Araria.
4. Margoob, aged about 21 years, Male, Son of Late Md. Farooq, Resident of Village - Rampur Budheshwari (Uttar Tola) Ward No. 3, P.S.- Bairgachhi, District - Araria.
5. Pappu @ Tabrej @ Md. Tabraz, aged about 28 years, Male, Son of Late Mojib, Resident of Village - Rampur Budheshwari (Uttar Tola) Ward No. 3, P.S.- Bairgachhi, District - Araria

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjeet Kumar, Adv.
For the Opposite Party	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-07-2019 Learned counsel for the petitioners submits that petitioner no. 4, Margoob, has been arrested during the pendency of this application, hence, his prayer for pre-arrest bail stands dismissed as withdrawn.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Araria (Bairgachhi) P.S. Case No. 81 of 2019 for the offences



alleged under Sections 147, 149, 341, 342, 323, 324, 307, 447, 354, 379, 504 and 506 of the Indian Penal Code.

The accusation is that ten persons named in the first information report, including petitioners no. 1, 2, 3 and 5, came at the house of the informant and started abusing and breaking the house and when the informant came to protest Rayan and Sarvar caught hold of him and Naiyar gave farsa blow on his head and snatched his golden chain and wrist watch. When the informant's elder brother, Shahnawaz Alam, and Gufran came, they were also assaulted and Ajam, petitioner no. 2, gave farsa blow on the head of the informant's brother. When Shahnawaz Alam fell down, Ajam and Ziya snatched the golden ring and silver chain from his neck.

The submission of the learned counsel for the petitioners is that in fact occurrence is taken place due to land dispute. More over the injuries found on the person of the brother of the informant are simple in nature.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners no. 1, 2, 3 and 5, above named, in the event of surrender/arrest, within a period of four weeks from



today, in connection with Araria (Bairgachhi) P.S. Case No. 81 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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