

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39857 of 2019

Arising Out of PS. Case No.-45 Year-2007 Thana- PALASI District- Araria

1. Md. Mustaq @ Md. Musthaque @ Mustaque, Aged about 45 years, Male, S/o Taiful, Resident of Village- Dighali, P.S.- Palasi, District- Araria.
2. Md. Jabul @ Jabul, Aged about 50 years, Male, S/o Tahir, Resident of Village- Dighali, P.S.- Palasi, District- Araria.
3. Abdul Quaiyum @ Quiyum, Aged about 52 years, Male, S/o Taiful, Resident of Village- Dighali, P.S.- Palasi, District- Araria.
4. Abdul Tabarak @ Md. Tabarak, Aged about 42 years, Male, S/o Tahir, Resident of Village- Dighali, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-06-2019 Heard both sides.

Petitioners apprehend their arrest in Palasi P.S. Case No.45 of 2007 for the offences allegedly committed by the petitioners under Sections 452, 323, 324, 326, 307, 504 and 34 of the Indian Penal Code and under Sections 3 and 5 of the Explosive Substance Act.

The informant in sum and substance made allegation that the petitioners and others came on the spot for dispute with regard to passage and started abusing. Abdul Tabarak, petitioner no.4 is said to have hurled a bomb.

Learned counsel for the petitioners submits that the



police after investigation submitted final form finding the case true only against one accused and the accusation against all the four petitioners was found false. Accordingly, petitioners were not sent up but the court below took cognizance. The parties have compromised the matter and petitioners deserve anticipatory bail but it appears that the case was registered in the year 2007. Final form was submitted in the month of December, 2007. Thereafter cognizance was taken and the petitioners thereafter did not appear or move for bail either regular and anticipatory. The petitioners moved for anticipatory bail only after seven years from the date of taking cognizance.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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