

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4250 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- MAINATAND District- West Champaran

1. Marukh Baitha son of Nagina Baitha
2. Ekbal Ahmad son of Late Faujdar Hussain
3. Najamuddi @ Sheikh Neyaz son of Gani Ansari
4. Ali Ahmad son of Ali Haque
5. Bhannu Sheikh son of Farman
6. Samim Akhatar @ Samim Sheikh son of Md. Saukat
7. Sheikh Nanhu son of Sk. Farman
8. Sk. Bhannu son of Late Sk. Nurul

All residents of village-Basthar, P.S-Mainatand, Dist-West Champaran

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with

Criminal Appeal (SJ) No. 4376 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- MAINATAND District- West Champaran

1. Sk. Sabir @ Sabir son of Latif Shekh
2. Ahsar Ahmad @ Afsar Ahmad @ Afsar son of Kalim
3. Philix son of late Sk. Pancho
4. Ali Fakkar @ Alfkar @ Alifkar son of attullah
5. Mazid Sheik @ Maldhani @ Mazid son of Sk. Manauwar
6. Ibran @ Imran son of Mustakim
7. Sk. Shakim @ Sakim son of Maldhari
8. Doctor @ Sk. Doctor son of Dipty
9. Sk. Jubair @ Jubair son of Ainul Mian
10. Jildar son of Rafik
11. Ash Mohammad son of Sk. Ajij
12. Mukhtar Ahmad @ Mustkar son of Kalim
13. Sk. Nazim @ Md. Nazim son of Maldhari
14. Kamruddin @ Sk. Kamruddin son of Idrish
15. Sk. Latif @ Latif Seikh son of Sk. Chekat

All residents of village Basthar, P.S> mainatand, Dist- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

(In Criminal Appeal (SJ) No. 4250 of 2018)

For the Appellant/s : Mr.Bimlesh Kumar Pandey

For the Respondent/s : Smt Usha Kumari No-1

(In Criminal Appeal (SJ) No. 4376 of 2018)

For the Appellant/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Sri Sadanand Paswan



CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT
Date : 21-02-2019

As both above-mentioned cases are arises out of same police station case number, as such they are taken up together for disposal.

The appellants seek pre-arrest bail in connection with Maintained P.S. Case No. 109 of 2018, registered for offences punishable under Sections 147, 148, 149, 447, 448, 379, 435, 524, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(w) of SC/ST Act.

Allegation against the appellants in both the cases that they came to the house of the informant and assaulted him and also try to outrage the modesty of his wife and also allegation of damaging the property and set the house on fire.

Submission of learned counsel for the appellants is that in both the cases three cases have been lodged for the same occurrence, one by the informant's side, which is the present case and second by the appellants' side, which is Mainatand P.S. Case No.108/2018 and third case has been lodged by the police, which is Annexure-3 and the case lodged by the police clearly shows that the dispute is with respect to road blockage.

Heard learned Special P.P. also, who has opposed the prayer for anticipatory bail of the appellants stating that they



have damaged the property of the informant, set the house on fire and also tried to outrage the modesty of the wife of the informant.

Having heard both sides, considering the facts and circumstances of the case as stated above, let appellants of both the cases, above named, be surrendered within a period of six weeks and on surrender they will release on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Maintained P.S. Case No. 109 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, both the appeals are allowed and the impugned orders are set-aside.

(Vinod Kumar Sinha, J)

Amjad/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

