

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46952 of 2019

Arising Out of PS. Case No.-862 Year-2018 Thana- ARARIA District- Araria

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1. MD. SAIYTAD @ SAIYAD @ MD. SAIYAD Son of Late Md. Hasim Resident of Village- Doria, Sonapur, P.S.- Simraha, District- Araria.
 2. Md. Sawood @ Saud Son of Late Md. Hasim Resident of Village- Doria, Sonapur, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Araria Police Station Case No. 862 of 2018, disclosing offences under Sections 147, 148, 149, 323, 448, 307, 324, 354-B, 379 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with other co-accused persons, assaulted the informant and his family members by means of *farsa*, due to which they received injuries.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He submits



that both the parties are agnates and there is case and counter case inasmuch as prior to institution of the present case, the petitioners' side has lodged Araria Police Station Case No. 848 of 2018 on 02.12.2018; whereas the present First Information Report has been lodged on 07.12.2018, i.e. after a considerable delay of five days. He further submits that the petitioners have got no criminal antecedent. He further submits that the nature of injuries, caused to the informant's mother, has been found to be simple in nature and similarly situated co-accused persons have been granted anticipatory bail by this Court by order, dated 02.04.2019, passed in Criminal Misc. No. 20248 of 2019.

After having heard learned Counsel for the parties and taking into consideration the facts that the parties are agnates, there is case and counter case, case lodged by the petitioners' side is prior in time and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria Police Station Case No. 862 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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