

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52465 of 2019

Arising Out of PS. Case No.-737 Year-2018 Thana- FORBESGANJ District- Araria

1. FATE MOHAMMAD Son of Late Shamid Resident of Village - Kudheli Purab, Ward No. 07, P.S.- Forbesganj, District - Araria.
2. Md. Intaz @ Dilshad @ Intez Son of Fate Mohammad Resident of Village - Kudheli Purab, Ward No. 07, P.S.- Forbesganj, District - Araria.
3. Azam Son of Fate Mohammad Resident of Village - Kudheli Purab, Ward No. 07, P.S.- Forbesganj, District - Araria.
4. Md. Lalu @ Asfaque Son of Gayas Resident of Village - Kudheli Purab, Ward No. 07, P.S.- Forbesganj, District - Araria.
5. Md. Tabrej Son of Gayas Resident of Village - Kudheli Purab, Ward No. 07, P.S.- Forbesganj, District - Araria.
6. Md. Ishrafil Son of Gayas Resident of Village - Kudheli Purab, Ward No. 07, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish
Mr. Sanjay Kumar Sharma
For the Opposite Party/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Forbesganj P.S. Case No. 737 of 2018, disclosing offences under Sections 147, 149, 341, 342, 323, 307, 435, 379, 504 and 506 of the Indian Penal Code.

There is allegation in the FIR that when the informant was sitting on his doorway, the persons named in the FIR, came armed variously and started assaulting him. There is allegation



against petitioner no.3, Md. Azam of having assaulted the informant with a *Farsa* in his head, causing injury. It is also alleged the accused persons broke open the lock of the informant's shop and looted the valuables worth Rs. 25,000/-.

Learned counsel for the petitioners appears to be correct in his submission that the allegation against the petitioners, except petitioner no.3, is general and omnibus. He has submitted that a trivial dispute had arisen because of a quarrel among the children of the families of the locality. So far as the petitioner no.3 is concerned, he submits that the injury on the head of the informant has been found to be lacerated wound, whereas the allegation is of assault made by a sharp-cutting weapon. None of the petitioners have criminal antecedent, he contends.

Considering the above, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, 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 the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 737 of 2018, subject to the condition as 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.

(Chakradhari Sharan Singh, J)

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