

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54301 of 2019

Arising Out of PS. Case No.-604 Year-2018 Thana- ARARIA District- Araria

1. Masoom Reza @ Md. Masoom Reza age-44 years male Son of Late Shafique @ Late Md. Shafique Ahmad Resident of Village-Khariya Basti, Ward No.11, P.S. + District-Araria.
2. Ram Lakhan Ram age-69 years male Son of Shivdhani Ram Resident of Village-Rahika Tola, Ward No.17, P.S. + District-Araria.
3. Amjad @ Amjad Ali age-30 years male Son of Md. Badiuzzama
4. Abdul Razzaque @ Abdur Razzaque age-55 years male Son of Ekramuddin
Petitioner . 3 & 4 Resident of Village-Khariya Basti, Ward No.11, P.S. + District-Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 188 and 353 of the Indian Penal Code registered in connection with Araria P.S. Case No. 604 of 2018.

3. At the very outset itself, learned APP invites reference to the order of learned Additional Sessions Judge-IV, Araria dated 26.06.2019 passed in A.B.P. No. 991 of 2019 taking note that “the S.H.O. concerned has submitted a petition dated 11.09.2018 stating that Section 353 of IPC has been mistakenly registered in F.I.R., in fact it should have been Section 431 of the IPC. In this case except Section 353 of the IPC all other Sections are bailable and Section 431 is also bailable. In light of S.H.O.’s



petition dated 11.09.2018 there cannot be said to exist any apprehension of arrest of petitioners”.

4. In the above view of the matter, the petition is dismissed with observation that the petitioners shall be at liberty to approach this Court as and when situation arises.

(Vikash Jain, J)

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