

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56686 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. NIZAMUDDIN MIYAN Son of Late Jhakhad Miyan Resident of Village-Chamanpura, P.S. Baikunthpur, District- Gopalganj.
2. Salauddin Miyan Son of Late Jhakhad Miyan Resident of Village-Chamanpura, P.S. Baikunthpur, District- Gopalganj.
3. Ishtekhar Miyan @ Iftekhhar Ali Son of Hasim Miyan Resident of Village-Chamanpura, P.S. Baikunthpur, District- Gopalganj.
4. Inshaf Ali Son of Nizamuddin @ Nizamuddin Miyan Resident of Village-Chamanpura, P.S. Baikunthpur, District- Gopalganj.
5. Kurban Miyan Son of Late Rahman Miyan Resident of Village-Chamanpura, P.S. Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-09-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Baikunthpur P.S. Case No. 118 of 2019, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code.

It is evident from the First Information Report that the occurrence had taken place when the informant was laying foundation for construction of house over a piece of land. Allegedly, 14 persons, named in the FIR, had assaulted the informant's husband. Female members of the family have also been implicated.

Learned counsel appearing on behalf of the



petitioners has submitted that the allegation of assault is general and omnibus against all persons named in the FIR, except co-accused Haider Miyan, who is said to have assaulted the informant's husband with a sword.

Considering the genesis of occurrence and general and omnibus nature of allegation, 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 Judicial Magistrate, 1st Class, Gopalganj in Baikunthpur P.S. Case No. 118 of 2019, 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)

Rajesh/-

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