

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60219 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

1. RAFIQUE Son of Late Abdul Rashid Resident of Village-Patkoi, P.S-Kochadhaman, District-Kishanganj.
2. Shahbaz Alam @ Saifaz Alam Son of Late Abdul Rashid Resident of Village-Patkoi, P.S-Kochadhaman, District-Kishanganj.
3. Zahid Alam Son of Late Abdul Rashid Resident of Village-Patkoi, P.S-Kochadhaman, District-Kishanganj.
4. Mahboob Alam @ Mahboob Son of Late Abdul Rashid Resident of Village-Patkoi, P.S-Kochadhaman, District-Kishanganj.
5. Md. Rabbani @ Rabbani Son of Sultan Ali Resident of Village-Patkoi, P.S-Kochadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-09-2019 This application, for grant of anticipatory bail, arises out of Kochadhaman P.S. Case No. 148 of 2019, disclosing offences under Sections 147, 149, 341, 323, 337, 338, 307 and 427 of the Indian Penal Code.

So far petitioner no. 1 is concerned, allegation against him is of assault to the informant by means of rod and there are general and omnibus allegation against petitioner nos. 2 to 5.

Submission of learned counsel for the petitioners is that the F.I.R. itself shows that there was dispute between the parties with respect to fencing of boundary wall and due to which, petitioners



have falsely been implicated in this case and further no specific allegation has been attributed to the petitioner nos. 2 to 5.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances, so far petitioner nos. 2 to 5 are concerned, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Kochadhaman P.S. Case No. 148 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 1 is concerned, I am not inclined to grant him the privilege of anticipatory bail, he may surrender before the court below and pray for regular bail, which will be disposed of by the court below on the merit of the case, without being prejudiced by this order.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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