

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58132 of 2019

Arising Out of PS. Case No.-398 Year-2019 Thana- ARARIA District- Araria

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1. MD. IRSHAD @ IRSHAD @ MD. IRSAD Son of Mosib.
 2. Md. Abbas @ Abbas Son of Anamul both Resident of Village - Majgama, Ward no.3, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 341, 324, 307, 354B, 379, 448, 504, 506 of the Indian Penal Code.

The accusation is that 16 persons named in the F.I.R., including the petitioners, having lathi, rod and sword in their hand came in the courtyard of informant Md. Salim and started to abuse. At that time, Irshad caused assault at the head of informant by means of Farsa, when Sarif, brother of the informant, rushed to save him then Abash caused injury to him through sword and others also caused injury through lathi.



When Tabasum, sister of the informant, rushed to save him then she was also caused injury through knife and her clothes was torn. On raising alarm, sister-in-law and niece of the informant reached there they were also assaulted. At that time, they also looted Rs.50,000/- kept in box and other ornaments of the informant.

Learned counsel for the petitioners submits that similarly co-accused have been granted the anticipatory bail by coordinate Bench of this Court in Cr.Misc. No. 49052 of 2019 on 07.08.2019. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para-3 of the bail petition.

Considering the facts and circumstances of the case as well as the fact that there is specific allegation against the petitioners of assault to the informant and his brother, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, their payer for anticipatory bail is rejected in connection with Araria P.S. Case No. 398 of 2019 pending in the court of the learned Chief Judicial Magistrate, Araria.

Accordingly, the application is dismissed. However, petitioners are directed to surrender before the learned court below and pray for regular bail. Learned court below is also



directed to consider the bail application of the petitioners on its own merits on the same day without being prejudiced by the present order.

(Anjani Kumar Sharan, J)

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