

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61730 of 2018

Arising Out of PS. Case No.-216 Year-2018 Thana- BARARI District- Katihar

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1. Jafar son of Abdul Basir
 2. Akhtar son of Late Ibrahim
 3. Amir son of Late Ismail
 4. Samir son of Late Ismail
 5. Kasim son of Afsar Ali
 6. Kasim son of Wasid, All Resident of Village- Tetbari, Police Station- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Rahmatullah
For the Opposite Party/s : Mr.Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-01-2019 Heard the learned counsel for the petitioners, the informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Barari P.S. Case No. 216 of 2018 dated 24.05.2018 instituted for the offences under Sections 147, 341, 323, 324, 325, 307, 354 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that petitioners have not been named in the F.I.R and their names have transpired only during the course of investigation through the mouth of one of the injured



witnesses.

The anticipatory bail petition of the named accused persons have been rejected by a Bench of this Court. However, one of the accused persons who was not named in the F.I.R but was named later, has been granted anticipatory bail by a Bench of this Court vide order dated 12.12.2018 passed in Cr. Misc. No. 62547 of 2018. A bare perusal of the aforesaid order reflects that anticipatory bail was granted by taking into consideration that the aforesaid accused persons did not have any criminal antecedents.

Petitioner Nos. 1 and 5 do not have any criminal antecedents.

Considering the nature of accusation and the manner in which the petitioners have been made accused in this case, the petitioner Nos. 1 and 5 above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, IV, Katihar in connection with Barari P.S.
Case No. 216 of 2018, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

The learned counsel for the petitioner seeks
permission to withdraw the petition with respect to petitioner
Nos. 2, 3, 4 and 6, in order to enable them to surrender
before the Court below and seek regular bail.

Should such an application be filed within a period
of three weeks from today, the Court below shall take into
account all necessary facts and shall pass orders in
accordance with law without being prejudiced by the fact
that the present anticipatory bail of the petitioners above
named has not been entertained.

The petition is disposed off with the aforesaid
observation and direction.

(Ashutosh Kumar, J)

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