

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68069 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- SINGHWARA District- Darbhanga

1. Sarfe Alam @ Pappe, Son of Late Jaiful Haque
 2. Meraj Ali @ Meraj, Son of Md. Ali
 3. Md. Saddam @ Saddam, son of Late Shoyeb
 4. Israful Haque @ Israrul Haque, Son of Late Abdur Rahman
- All are Residence of Village- Bhapura, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Adv.
For the State	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr. Devendra Kumar Sinha, Sr.Adv.
		Mr. Girish Chandra Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Singhwara P.S. Case No.86 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 324, 379 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has taken this Court through the allegations made in the FIR. It is submitted that although the petitioners are named in the FIR as amongst 13 persons who had assembled at the door of the informant and had been contesting over right to way/rasta towards Masjid but the



specific allegation of giving assault by sword and other weapons have been specifically made against co-accused Namiya, Shaukat Ali and Laddoo who are not petitioners before this Court.

Learned counsel submits that the allegations that all other accused persons had assaulted by lathi, danda and fists blow are general and omnibus allegations and there is no specific allegation against these petitioners of causing any injury on the vital part of the body. Learned counsel submits that there is a counter case also lodged by the petitioners' side simultaneously with the present case in which a different version of the story has been given.

Learned counsel further submits that although against petitioner nos.1 and 3 and 2 and 4 have three and four cases respectively but they are on bail in those cases and in the nature of the allegations in the present case where the neighbours are said to have indulged in quarrel over a rasta, the petitioners deserve privilege of anticipatory bail.

Learned APP for the State as well as informant have opposed the prayer for anticipatory bail of these petitioners. However, it is not controverted that against these petitioners there are no allegations of causing assault on any vital part of



the body of the informant's side. The specific allegations of assault by sword and other weapons are against three named accused persons.

Having heard learned counsel for the parties and on perusal of the records taking note of the fact that there is said to be a dispute over the right to way/rasta towards Masjid between the parties in which both parties have indulged in the fight, there is a case and counter case and so far as these petitioners are concerned, there are general and omnibus allegations against them of giving lathi and danda blow but no injury is said to have been caused by them on any vital part of the body of the informant's side, let the petitioners abovenamed in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Darbhanga in connection with Singhwara P.S. Case No.86 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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