

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75590 of 2019

Arising Out of PS. Case No.-611 Year-2019 Thana- ARARIA District- Araria

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1. Jamil Sah, Son of Abbas Sah
 2. Touhid Sah, Son of Abbas Sah
 3. Alam Sah, Son of Jamil Sah
 4. Jabul Sah, Son of Jamil Sah
 5. Toufik Sah, Son of Touhid
 6. Rakib Sah, Son of Late Pachlordi Sah
 7. Aftab Sah, Son of Rakib Sah
- All are Residents of Village-Garia Chikni, Ward No.01, P.S.-Araria, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Araria P.S. Case No.611 of 2019 registered for the offences punishable under Sections 147, 148, 149, 447, 448, 341, 323, 324, 307 and 380 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case by the informant on account of previous land dispute without there being any involvement of the petitioners in the



alleged occurrence.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submissions of the petitioners that save and except the allegation against Aftab Sah (petitioner no.7), the allegations against all other petitioners in the present case are general and omnibus kind of allegations, the petitioners' side has also lodged a counter case and has given a different version of the alleged occurrence and some of the persons from the petitioners' side have also got injured in the alleged occurrence in which informant's side assaulted them as also that these petitioners have no criminal antecedents, let the petitioner nos.1 to 6 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No.611 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.

So far as petitioner no.7 is concerned, since this Court finds that the allegation against him is that of giving a knife blow below the eyebrow of right side of the wife of Imteyaz and the said injury appears from the injury report available at Annexure-2 series, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.7. His prayer is, thus, refused.

In case, the petitioner no.7 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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