

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78835 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- GARRANDANGA District- Kishanganj

1. Md. Imtiyaz @ Imtiyaz Son of Md. Ashafaque
 2. Md. Majoddin @ Majodin Son of Late Maqubul Hussain
 3. Sahid @ Shahid Son of Late Masnuddin @ Masluddin
 4. Ashfaque @ Ashafaque Alam Son of Maqubul Husswain
 5. Md. Kalim Son of Fajlur Rahman @ Fazlur Rahman
- All are resident of village - Deramari, P.S.- Garbandanga, Distt.- 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.Nityanand

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The counsel for the petitioner submits that the petitioner no.1, Md. Imtiyaz @ Imtiyaz has been arrested and, as such, this application has become infructuous with regard to petitioner no.1, makes a prayer to withdraw this application with regard to petitioner no.1.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no.1.

So far petitioner nos. 2 to 5, they are seeking anticipatory bail in connection with Garbandanga P.S. Case



No.39 of 2019 registered for offence punishable under sections 341, 323, 324, 308, 354(B), 448, 504, 506, 380, 427/34 of the Indian Penal Code.

Allegation has been made, Md. Imtiyaz @ Imtiyaz entered into the house of informant, started abusing and assaulting. When she asked why he was assaulting whereupon he asked that why she had given a call to his wife and followed by assaulting, pushed her on the ground. When her husband came to rescue, Md. Imtiyaz @ Imtiyaz took out knife, intended to pierce the knife in his person, started speaking that he will kill both husband of wife and also asked the informant to leave her husband and make illicit relationship with him which she objected and when they were going to police station for lodging FIR, in the way, the accused persons intercepted and tried to kill both of them.

The learned counsel for the petitioners submits that there is specific allegation against Md. Imtiyaz @ Imtiyaz, who has already been arrested. So far rest petitioners, there is no specific allegation to enter into the house or in any manner, have assaulted the informant, but looking to the fact that when they were going to lodge FIR, they intervened and tried to kill both of them.



Looking to the age of petitioner nos. 2 and 4, they are admitted to anticipatory bail and, accordingly, they, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/-each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Garbandanga P.S. Case No.39 of 2019, subject to the conditions as laid down under section 438 Cr.PC and also subject to the condition that one of the bailors of the petitioner no. 2 and 4 shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court, petitioner no. 2 and 4 will not induce any witness or tamper with the evidence and petitioner no. 2 and 4 shall cooperate in the disposal of trial and make themselves available as and when required by the court.

So far petitioner nos. 3 and 5, their prayer for bail is rejected. However, if they surrender before the court below and pray for regular bail, the court below without being prejudiced by this order will take decision in accordance with law.

(Shivaji Pandey, J)

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