

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76244 of 2019

Arising Out of PS. Case No.-637 Year-2019 Thana- FORBESGANJ District- Araria

1. Md. Sarfaraz Son of Md. Hasi Resident of Village-Rampur Dakshin, P.S.-Forbesganj, District-Araria.
2. Md. Arbaz Son of Md. Hasim Resident of Village-Rampur Dakshin, P.S.-Forbesganj, District-Araria.
3. Md. Abdal @ Abdal Son of Md. Murtaza Resident of Village-Rampur Dakshin, P.S.-Forbesganj, District-Araria.
4. Md. Jamshed Son of Md. Qasim Resident of Village-Rampur Dakshin, P.S.-Forbesganj, District-Araria.
5. Md. Sahbaz @ Sahnawaz Son of Md. Hasim Resident of Village-Rampur Dakshin, P.S.-Forbesganj, District-Araria.
6. Md. Tahir Son of Badruddin Resident of Village-Rampur Dakshin, Ward No. 07, P.S.-Forbesganj, District-Araria.
7. Md. Jumman @ Jumman Son of Late Durkhan Resident of Village-Rampur Dakshin, Ward No.07, P.S.-Forbesganj, District-Araria.
8. Md. Parwez @ Parwez @ Pravez Son of Md. Islam @ Surai Resident of Village-Rampur Dakshin, Ward No.07, P.S.-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Forbesganj P.S. Case No. 637 of 2019 for the offence registered under Sections 147, 148, 149, 341, 342, 323, 324, 326, 307, 364 and 379 of the Indian Penal Code.



Learned counsel for the petitioners submits that though the petitioners are named in the FIR there is general and omnibus allegations against 21 named accused persons and no specific role has been assigned to the present petitioners. It is further submitted that the petitioners are the relatives of the Mukhiya and their names have been taken only for the purpose of harrassing. It is further submitted that though some of the petitioners are having criminal antecedent, they have already been enlarged on bail in those cases. It is also submitted that the petitioners are also apprehending their arrest in one another case lodged on the very same day being Forbesganj P.S. Case No. 636 of 2019.

Considering the aforementioned facts and circumstances, let the petitioners 1 to 5, in the event of their arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 637 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure, subject to the following conditions:

1. One of the bailors shall be blood relative of the



petitioner.

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

3. The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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