

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4561 of 2020

Arising Out of PS. Case No.-334 Year-2017 Thana- JOKIHAT District- Araria

1. MAJID @ MAAJID, Male, aged about 20 years, Son of Ishaque
2. Shamim Akhtar @ Shamim, Male, aged about 62 years, Son of Abdul Razaqqe
3. Nasim, Male, aged about 52 years, Son of Abdul Razaqqe
4. Md. Wasimur Rahman @ Wasimur Rahman @ Wasim, Male, aged about 47 years, Son of Abdul Razaqqe
5. Mukarram @ Mokarram, Male, aged about 44 years, Son of Abdul Razaqqe
6. Nanha @ Md. Sahzad Alam, Male, aged about 24 years, Son of Nasim
7. Ainul, Male, aged about 72 years, Son of Late Sattar
All Resident of Village - Bagdahra, P.S.- Jokihat, District - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-01-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Jokihat P.S. Case No. 334 of 2017 registered under Sections 448, 341, 323, 324, 354, 504, 379, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that upon investigation of the case police had submitted a charge-sheet under Section 354B I.P.C. and other bailable sections of the



Indian Penal Code.

Learned counsel for the petitioners submits that there is a case and counter case between the parties and they are having civil dispute and on account of this, the present case has been lodged. The parties are said to be Gotias in relation and all through the investigation they have cooperated and were granted benefit of Section 41(A) of the Code of Criminal Procedure.

Learned A.P.P. 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 the only non-bailable section in which charge-sheet has been filed is section 354B IPC, but considering the relationship of the parties and the submission that the parties are having civil dispute and there had been a quarrel over construction of house on a piece of land, let the above-named petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Araria, in connection with Jokihat P.S. Case No. 334 of 2017, subject to 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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