

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5991 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- BATHNAHA District-
Sitamarhi

- =====
1. MUGLE ALAM Son of Late Ganaur Laheri Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 2. Arsaya Alam @ Arse Alam @ Arsaya Alam Laheri son of Late Ganaur Laheri Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 3. Umar Farukh @ Umar Farukh Laheri Son of Rajyasat Laheri @ Late Riyajat Laheri Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 4. Irfan Laheri @ Md. Irfan @ Guddu Son of Umar Farukh @ Umar Farukh Laheri Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 5. Sarfaraj Laheri @ Md. Sarfaraj Alam Son of Mugle Alam Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 6. Kamre Alam @ Kamere Alam son of Mugle Alam Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 7. Naseema Khatoon Wife of Arsaya Alam @ Arse Alam @ Arsaya Alam Laheri Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.
 8. Mehrun Nisha @ Mehrun Khatoon Wife of Mugle Alam Resident of Village - Kamaldah, P.S. - Bathnaha, District - Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Shankar Kumar, Advocate.

For the Opposite Party: Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 379, 504, 506 of the Indian Penal Code registered in connection with Bathnaha P.S. Case No. 173 of 2019.



3. It is submitted that the petitioners have been falsely implicated in the backdrop of admitted land dispute and there is case and counter case between the parties. It is submitted that the accusation of assault is general and omnibus except against petitioner nos. 1, 2 and 5 who are said to have hold the rope around the neck of the informant. The accusation of taking away Rs. 5,000/- has not been attributed to anyone particularly. The petitioners claim clean antecedents.

4. Having regard to the nature of accusations, gravity of the offence alleged as well as injury report discloses, *inter alia*, legature mark around the neck of the informant opined to be dangerous to life, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 1, 2 and 5. The anticipatory bail petition of petitioner nos. 1, 2 and 5 stands rejected.

5 As regards petitioner nos. 3, 4, 6, 7 and 8, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let the petitioner nos. 3, 4, 6, 7 and 8 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 173 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioner nos. 3, 4, 6, 7 and 8.

(ii) That the petitioner nos. 3, 4, 6, 7 and 8 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 3, 4, 6, 7 and 8 shall cooperate with the investigation, if not already concluded, and



make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 7 and 8 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner nos. 3, 4 and 6 shall be physically present in Court on each and every date, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

6. If the petitioner nos. 1, 2 and 5 surrender and seek regular bail before the learned Court below the same shall be considered on its own merit in accordance with law, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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