

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7383 of 2020

Arising Out of PS. Case No.-495 Year-2019 Thana- BIKRAMGANJ District- Rohtas

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1. ASIF ANSARI, aged about 30 years, Male, S/o Chhedhi Ansari
 2. Kallu Kuraishi, aged about 32 years, Male, S/o Mustak Kuraishi
 3. Isarail Kuraishi, aged about 38 years, Male, S/o Hakik Kuraishi
 4. Chhoti Kuraishi, aged about 28 years, Male, S/o Fika Kuraishi
- All are resident of Mohalla- Rahmat Nagar, Kuraishi Mohalla, P.S.-
Bikramganj, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Bikramganj P.S. Case No. 495 of 2019 registered under Sections 429, 153A, 235A, 34 of the Indian Penal Code, Section 11 of the Prevention of Cruelty to Animal Act, 1960, 345 R/W 429 of Bihar Municipality Act, 2007.

Learned counsel for the petitioners submits that on bare perusal of the First Information Report it will appear that police has brought the name of these petitioners in this



case only on mere suspicion. Learned counsel further submits that so far as Section 153A I.P.C. is concerned, the same would not be attracted and further there seems to be a mistake in registering the F.I.R. under Section 235A I.P.C. because no such provision exists.

Learned A.P.P. for the State is present.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that on bare perusal of the First Information Report it will appear that police has brought the name of these petitioners in this case only on mere suspicion and on the self-claim secret information and further submission that all other sections under which the case has been registered except under Section 153A I.P.C. are bailable in nature and so far as Section 153A I.P.C. is concerned, the same would not be attracted and further there seems to be a mistake in registering the F.I.R. under Section 235A I.P.C. because no such provision exists, 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 A.C.J.M. - 1st, Bikramganj, District – Rohtas, in connection with Bikramganj P.S. Case No. 495 of 2019, 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)

Rajeev/-

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