

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17659 of 2020

Arising Out of PS. Case No.-367 Year-2019 Thana- JOKIHAT District- Araria

1. IMTIYAZ Son of Tabrej Resident of Village - Suksena, Tola Balwa, Ward No. 8, P.S.- Palasi, District - Araria
2. Istiyak Son of Tabrej Resident of Village - Suksena, Tola Balwa, Ward No. 8, P.S.- Palasi, District - Araria
3. Kuddus Son of Tabrej Resident of Village - Suksena, Tola Balwa, Ward No. 8, P.S.- Palasi, District - Araria
4. Kareem Son of Tabrej Resident of Village - Suksena, Tola Balwa, Ward No. 8, P.S.- Palasi, District - Araria
5. Sohrab Son of Mainuddin Resident of Village - Suksena, Tola Balwa, Ward No. 8, P.S.- Palasi, District - Araria
6. Azhar Son of Mainuddin Resident of Village - Suksena, Tola Balwa, Ward No. 8, P.S.- Palasi, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 30-09-2020 Heard Mr. Sanjay Kumar Sharma, learned Counsel

for the petitioners and learned Additional Public Prosecutor for

the State.

The petitioners are apprehending arrest in connection
with Jokihat P.S. Case No. 367 of 2019, G.R. No. 3648 of
2019 registered for the offence under Sections 341, 323, 324,
325, 307, 354(B), 379, 447, 504, 506/34 of the Indian Penal
Code.



Learned counsel appearing on behalf of the petitioners would submit that the petitioners have no criminal antecedent. There is allegation against the petitioners that they have entered the Garage of Sahwaj and assaulted the family members of the informant.

From the materials available on the record, the Court finds that there is specific allegation of assault against petitioner nos. 2,3 and 4, namely, Istiyak, Kuddus and Kareem and as such, the Court is not inclined to grant privilege of anticipatory bail to them. The application for anticipatory bail on their behalf is, accordingly, rejected.

However, liberty shall be available to the petitioner Nos. 2,3 and 4 to surrender before the Court below and pray for regular bail. In the event they surrender and pray for regular bail the Court below shall consider and dispose of the same on the same day without being prejudiced by the refusal of anticipatory bail by this Court.

So far as other petitioner Nos. 1,5 and 6, namely, Imtiyaz, Sohrab and Azhar are concerned, the Court is inclined to grant bail to them. Let the petitioner Nos. 1,5 and 6, above named, in the event of arrest or surrender within one month from the date of communication of this order, be released



on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 367 of 2019, G.R. No. 3648 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Anil Kumar Upadhyay, J)

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