

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14208 of 2020

Arising Out of PS. Case No.-425 Year-2019 Thana- SIKARPUR District- West Champaran

1. Zakir Hussain Sai @ Zakir Hussain Shah Son of Makur Sai @ Abdul Ualom Shah Resident of Village - Sitwapur, P.S.- Shikarpur, Distt - West Champaran.
2. Sajjad Sai @ Sajjad Hussain Sai Son of Zakir Hussain Sai @ Zakir Hussain Shah Resident of Village - Sitwapur, P.S.- Shikarpur, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-07-2020 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners are apprehending arrest in connection with Shikarpur P.S. Case No. 425 of 2019 for the offence under sections 341, 323, 324, 307, 354B, 379, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners have no criminal antecedent.

Learned counsel further submits that absolutely there is no specific overt act against the petitioner no.2 whereas there is specific allegation against the petitioner no.1 that he has assaulted the informant with Farsa, causing injury on his head.



Considering the fact that petitioner no.2 has no criminal antecedent and there is no allegation of any assault, the Court is inclined to grant anticipatory bail to the petitioner no.2, let the petitioner no.2, namely, Sajjad Sai @ Sajjad Hussain Sai in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 425 of 2019 subject to the condition as laid down under section 438(2) of the Cr.P.C.

So far as the petitioner no.1 is concerned, there is specific allegation of assault against him, the Court is not inclined to grant privilege of bail. Accordingly, prayer for anticipatory bail is rejected. However, the petitioner no.1 may surrender before the court below and prays for regular bail which will be considered by the court below on its own merit on the same day without being influenced by refusal to grant anticipatory bail in the present case.

(Anil Kumar Upadhyay, J)

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