

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25336 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- SIKTY District- Araria

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Md. Hatim, aged about 30 years, Male, Son of Atbari, Resident of Village -
Gadahkat, P.S.- Sikty, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the State : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Mukesh Kumar Rana, learned counsel for the petitioner and Mr. Satyendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Sikty PS Case No. 84 of 2019 dated 11.06.2019, instituted under Sections 147/ 148/ 149/ 224/ 225/ 341/ 323/ 324/ 323/ 333/ 353/ 307/ 504 of the Indian Penal Code.

4. The allegation against the petitioner is that he was party to the attack on the informant and one of the co-accused



who has been arrested has taken the name of the petitioner along with four others.

5. Learned counsel for the petitioner submitted that except for the statement of the co-accused, who was caught at the spot, there is nothing else to connect him to the crime and further there is no specific allegation of any overt act against the petitioner and the same is general and omnibus against all the accused. Learned counsel submitted that similarly situated co-accused Ijabul has been granted anticipatory bail by coordinate Benches by order dated 18.11.2019 in Cr. Misc. No. 68895 of 2019 and Dildar by order dated 20.07.2020 in Cr. Misc. No. 18967 of 2020. Learned counsel submitted that for the same incident another case was instituted against the petitioner, but apart from that he has no other criminal antecedent.

6. Learned APP submitted that the petitioner was also party to the attack on the SSB party. However, he could not controvert that there is no specific overt act alleged against the petitioner and further that Ijabul and Dildar are similarly situated.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within



six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Araria in Sikty PS Case No. 84 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further (a) one of the bailors shall be a close relative of the petitioner and (b) the petitioner and the bailors shall give an undertaking and execute bond with regard to him not committing any offence. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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