

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85903 of 2019

Arising Out of PS. Case No.-37 Year-2016 Thana- KATEYA District- Gopalganj

1. Nathuni Ansari @ Nathuni Miyan, Son of Mahboob Miyan @ Mahboob Ansari, Resident of Village - Batal Chauraha, P.S.- Kateya, District- Gopalganj
2. Khalil Miyan @ Khalil Ansari, Son of Olayat Miyan, Resident of Village - Batal Chauraha, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Kateya P.S. Case No.37 of 2016, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 337, 338, 332, 333, 307, 353, 427, 504, 506, 120B of the Indian Penal Code.

The allegation against the petitioners is that the petitioners along with 45 named accused persons and 250 unknown persons having armed with Lathi, Bhala, Farsa, Sword, bricks attacked the other group of villagers on the issue of burying the dead body of grand son of one Israil Mian in the



graveyard. It has further been alleged that the police party arrived at the place of occurrence and tried to pacify both the groups but Hajrat Mian assaulted the members of the other group and the police party also.

Ms. Devika Rani, learned counsel appearing for the petitioners submits that for the same occurrence, two FIRs were lodged inasmuch as the present FIR has been lodged by the police and second FIR bearing Kateya P.S. Case No.38 of 2016 has been lodged by members of other group of village. Learned counsel further submits that no specific allegation has been levelled against these petitioners and the allegation against the petitioners are general and omnibus in nature. Learned counsel referring to order dated 16.12.2019 passed in Cr. Misc. No.79840 of 2019 submits that petitioners have been granted bail in connection with Kateya P.S. Case No.38 of 2016 which was registered on the basis of statement made by the member of the other group for the same incident.

After having heard learned counsel for the parties and taking into consideration the fact that no specific allegation has been levelled against these petitioners and the allegation against them are general and omnibus in nature and the petitioners have been granted bail in another FIR for the same incident lodged by



the members of the other group, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XV, Gopalganj, in connection with Kateya P.S. Case No.37 of 2016, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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