

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86260 of 2019

Arising Out of PS. Case No.-164 Year-2019 Thana- ARARIA District- Araria

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1. Md. Ashif @ Md. Asif Alam, Male, aged about 20 years, S/O Rehan Alam Resident of Village Kamaldaha, P.S.- Araria, District - Araria.
 2. Kashif @ Md. Kashif Alam, Male, aged about 22 years, S/O Rehan Alam Resident of Village Kamaldaha, P.S.- Araria, District - Araria.
 3. Rehan Alam @ Md. Rehan Alam, Male aged about 60 years, S/O Late Zahuruddin Resident of Village Kamaldaha, P.S.- Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Araria P.S. Case No. 164 of 2019 registered for offences under sections 341, 323, 324, 307, 506/34 of the Indian Penal Code.

As per prosecution case, on account of land dispute, all the three accused persons assaulted the Informant and his family members by way of Farsa and Lathi.

The allegation against the petitioner no.1 is to have caused injury by Farsa upon the cousin brother of the Informant



Tabish Noor. The allegation against the petitioner no.2 is to have assaulted the Informant by Lathi and the allegation has been made against the petitioner no.3 of assaulting by fists and slaps.

The petitioner no.1 has got criminal antecedent as stated in paragraph no.3 of the present anticipatory bail application.

Looking to the entire facts and circumstances of the case, let the petitioner nos. 2 & 3, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 164 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

Considering the nature of allegation made against the petitioner no.1 who has also criminal antecedent, this Court is not inclined to grant privilege of anticipatory bail to him.



Accordingly, the prayer for anticipatory bail of the petitioner no.1, above named, is rejected. If he surrenders before the court below within a period of three weeks from today, the court below, without being prejudiced by this order, will take a decision in accordance with law on the same day of his surrender.

(Shivaji Pandey, J)

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