

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 31856 of 2020

Arising Out of PS. Case No.-1086 Year-2019 Thana- ARARIA District- Araria

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1. Md. Rafique, aged about 68 years (Male), Son of Late Taslim.
 2. Ehbali, aged about 70 years (Male), Son of Late Taslim.
 3. Mansoor, aged about 63 years (Male), Son of Late Taslim.
 4. Safique, aged about 70 years (Male) Son of Late Islam.
 5. Mustaque, aged about 52 years (Male), Son of Late Irfan.
 6. Mumtaz, aged about 52 years (Male), Son of Late Irfan.
 7. Ismail, aged about 55 years (Male), Son of Late Muslim.
 8. Khalid, aged about 52 years (Male) Son of Late Muslim.
 9. Jalil, aged about 50 years (Male), Son of Late Muslim.
 10. Salim, aged about 33 years (Male), Son of Late Muslim.
 11. Zainul, aged about 32 years (Male), Son of Late Muslim.
 12. Asfaq, aged about 37 years (Male), Son of Rafique.
 13. Bibi Mahmooda, aged about 65 years (Female), Wife of Rafique.
 14. Milsana, aged about 29 years (Female) wife of Afaq.
 15. Bibi Ummati, aged about 55 years (Female) Wife of Ismail.
 16. Bibi Afsana, aged about 37 years (Female), Wife of Ekhlake.
 17. Jhamtabali @ Sanichari, aged about 61 years (Female), Wife of Khalid.
 18. Rampurbali @ Samina, aged about 67 years (Female), Wife of Mustaque.
 19. Farasutabali @ Fekiya, aged about 40 years (Female), Wife of Samsad.

All are resident of Village - Damhailli, Ward No. 03, PS - Araria, District -
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Advocate
For the State : Ms. Renu Kumari, APP



**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-03-2021

Heard Mr. Bidhanesh Misra, learned counsel for the petitioners and Ms. Renu Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Araria PS Case No. 1086 of 2019 dated 13.12.2019, instituted under Sections 147, 148, 149, 341, 323, 324, 115, 307, 327, 385, 354B, 506, 504 and 427 of the Indian Penal Code.

3. The allegation against the petitioners is of assault on the informant side in which it is alleged that injuries were also caused.

4. Learned counsel for the petitioners submitted that the allegation is against 23 named accused in the FIR but against them, there is only general and omnibus allegation whereas against three others, who have been assigned specific role namely Ekbal, Afaque and Eklakh, have been granted anticipatory bail by a co-ordinate Bench by order dated 27.11.2020 in Cr. Misc. No. 24183 of 2020. It was submitted that the petitioners have no criminal antecedent. Learned counsel submitted that the petitioners have also filed title suit against the informant side as



they were interfering with the possession of the petitioners on the land over which the petitioners have possession since a very long time. It was further submitted that the injuries are simple in nature.

5. Learned APP did not controvert that the FIR does not disclose any specific overt act against the petitioners.

6. 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 petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Araria PS Case No. 1086 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to cooperate shall lead to cancellation of their bail bonds.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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