

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26078 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- TARABARI District- Araria

1. MD ADIL Son of Eklaque Resident of Village - Baturbari, Ward no.16 and 17, P.s.- Tarabari, Distt.- Araria.
2. Md. Israbool @ Pachhu @ Israul @ Israbool Son of Eklaque Resident of Village - Baturbari, Ward no.16 and 17, P.s.- Tarabari, Distt.- Araria.
3. Md. Masood Son of Late Habib Resident of Village - Baturbari, Ward no.16 and 17, P.s.- Tarabari, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13533 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- TARABARI District- Araria

1. AFSANA W/o Akhlak Resident of Village - Ali Bhag, Ward no.17, Baturbari, P.s.- Araria, Distt.- Araria.
2. Noor Saba W/o Saharuddin Resident of Village - Ali Bhag, Ward no.17, Baturbari, P.s.- Araria, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26078 of 2022)

For the Petitioner/s : Mr.Md. Ziaul Quamar

For the Opposite Party/s : Mr.Ram Anurag Singh

(In CRIMINAL MISCELLANEOUS No. 13533 of 2022)

For the Petitioner/s : Mr.Makardhwaj Upadhyay

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 At the outset, learned counsel for the petitioners informs this Court that vide order dated 04.08.2022, prayer for grant of anticipatory bail to petitioner no.1 of Cr. Misc.



No.13533 of 2022, namely, Afsana was already permitted to be withdrawn.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Tarabari P.S. Case No.83 of 2021, registered for the offences punishable under Sections 341, 323, 307, 302, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent as stated in paragraph-3 of the bail applications. It is further submitted that there is general and omnibus allegation against the petitioners. It is submitted that specific allegation of assault by means of knife to the father of the informant is against Ekhlaq. It is also submitted that from perusal of the postmortem report, it appears that the deceased sustained only one injury. It is further submitted that there is land dispute between the parties and that is why 14 persons have been made accused in the case.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Taking into consideration the fact that no specific



overt act is alleged against the petitioners, let petitioners, namely, Md. Adil, Md. Israbool @ Pachhu @ Israul @ Israbool, Md. Masood and Noor Saba, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Araria in connection with Tarabari P.S. Case No.83 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

Sanjay/-

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