

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31045 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- BENIPATTI District- Madhubani

1. HAIDER ALI @ MD. HAIDER ALI S/O MD. YASIM R/O VILLAGE-MAKIA, P.S-BENIPATTI, DISTRICT-MADHUBANI.
2. OSAMA @ OSAMA SEIKH S/O MD. YASIM R/O VILLAGE-MAKIA, P.S-BENIPATTI, DISTRICT-MADHUBANI.
3. MD. DILSAD S/O MD. JAKIR R/O VILLAGE-MAKIA, P.S-BENIPATTI, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset, submits that petitioner nos. 1 and 3, during pendency of the anticipatory bail application, surrendered in the learned court below as such their anticipatory bail application has become infructuous, hence seeks permission to withdraw the anticipatory bail application against petitioner nos. 1 and 3.

Permission is accorded.

Accordingly the anticipatory bail application with respect to petitioner nos. 1 and 3 is dismissed as withdrawn.



The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 380, 448 and 34 of the Indian Penal Code read with Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner no.2 has antecedent of one case which was instituted by the present informant and the informant alleges that on account of institution of Benipatti P.S. Case Number 208 of 2020 on 08.08.2020, the accused persons, including the petitioner, came at the house of the informant on 09.08.2020 at about 12:15 am and thereafter broke the main gate of the house and entered the house and took out revolver from his pocket and opened seven rounds of firing but the informant and his family members were able to save themselves by hiding in the house, it is next alleged that the accused persons also looted articles as mentioned in the F.I.R.

Learned counsel for the petitioner no.2 submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that allegation of firing is against Md. Masoom and as far as the present petitioner is concerned, the allegation against him is general and omnibus in nature.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no.2.

Considering the submissions made by the learned counsel for the petitioner no.2, the petitioner no.2, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Benipatti P.S. Case No. 210 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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