

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31440 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- JOKIHAT District- Araria

1. WASIQUE @ MD WASIQUE Son of Late Salim @ Hari Resident of Village-Chainpur, Hasimtola, P.S.-Jokihat (Mahalgaon), District-Araria.
2. Hasim son of Late Salim @ Hari Resident of Village-Chainpur, Hasimtola, P.S.-Jokihat (Mahalgaon), District-Araria.
3. Rahim Son of Late Salim @ Hari Resident of Village-Chainpur, Hasimtola, P.S.-Jokihat (Mahalgaon), District-Araria.
4. Sanjeeda Wife of Hasim Resident of Village-Chainpur, Hasimtola, P.S.-Jokihat (Mahalgaon), District-Araria.
5. Md. Saquib @ Md. Saquib Alam @ Saquib Son of Zafir Resident of Village-Chainpur, Hasimtola, P.S.-Jokihat (Mahalgaon), District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv Mr. Md. Ziaul Quamar, Adv
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard the parties.

Learned senior counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned senior counsel for the petitioners seeks permission to withdraw this application as against petitioner nos.1 and 2 as they been apprehended by the police during



pendency of this application.

Permission is granted.

Accordingly, the instant application as against petitioner nos.1 and 2 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner nos.3, 4 and 5 only.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 302, 201, 120B, 34 of the Indian Penal Code.

Allegedly, the F.I.R. named accused persons including the petitioners have killed the son of the informant by strangulation.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The petitioners are not named in the F.I.R., they are made accused in the present case only on the basis of suspicion. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent.

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



Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioner nos.3, 4 and 5 be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Jokihat (Mahalgaon) P.S. Case No.379 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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