

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48324 of 2022

Arising Out of PS. Case No.-224 Year-2019 Thana- BHARGAMA District- Araria

1. MD HAIDER ALI @ HAIDER Son of Md. Shahid @ Sayed Resident of Village - Bishahariya, Akarthapa, P.s.- Bhargama, Distt.- Araria.
2. Azam @ Ajam Son of Yunush Resident of Village - Bishahariya, Akarthapa, P.s.- Bhargama, Distt.- Araria.
3. Aurangeb @ Auranjeb Son of Kamrul Resident of Village - Bishahariya, Akarthapa, P.s.- Bhargama, Distt.- Araria.
4. Mozim @ Mojeem Son of Mohan Resident of Village - Bishahariya, Akarthapa, P.s.- Bhargama, Distt.- Araria.
5. Wahid @ Md. Wahid Son of Ishak Resident of Village - Bishahariya, Akarthapa, P.s.- Bhargama, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail application with respect to
petitioner nos. 2 and 4.

Permission is accorded.

The petitioner nos. 1, 3 and 5 apprehend their arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 302, 341, 342, 323, 324, 354(B), 307, 447, 448 and



504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner nos. 1, 3 and 5 have antecedent of two cases and the informant alleges that he along with his father were going to Karbala fair where he saw a mob running towards them, raining arrows on account of which they tried to hide but the mob reached there and Md. Yasin ordered to kill whereupon Mangan shot arrows upon father of the informant hitting him in his rib cage on the left side. Further Abid injured Masudan by shooting arrows upon him. It is alleged that father of the informant died during course of treatment.

Learned counsel for the petitioners submits that altogether 24 persons are named in the FIR along with unknown accused and there is specific allegation against Md. Yasin and Mangan who shot arrows which hit on the rib cage of the father of the informant leading to his death, it is next submitted that petitioners are not alleged to have committed any overt act and the allegation against them is general and omnibus in nature. Learned counsel next submits that co-accused Md. Istfarul, Md. Mustakim, Md. Niyaj and Md. Jabarul have been granted bail by order dated 02.06.2020 in Cr. Misc. No. 9642 of 2020 and Md. Mojim @ Md. Mozim has also been granted bail by order



dated 17.05.2022 in Cr. Misc. No. 429 of 2022. Learned counsel for the petitioners submits that no doubt the petitioners, as aforesaid, were granted regular bail but then the petitioners are also similarly situated like them and no useful purpose would be served by sending the petitioners to jail.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that parity has to be maintained.

At this stage, the learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

In the event, if the petitioner nos. 1, 3 and 5 surrender in the learned trial court on or before 19.10.2022, then the learned trial court shall dispose of the case on the same day keeping in mind the fact that against the petitioners also no overt act has been alleged and also keeping in view the observations made hereinabove.

(Satyavrat Verma, J)

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