

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70583 of 2021

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

1. ASHFAQUE S/o Safique R/o village- Bisaharia, Akarthapa, P.S.- Bhargama, District- Araria
2. Anis S/o Khalil R/o village- Bisaharia, Akarthapa, P.S.- Bhargama, District- Araria
3. Jamil S/o Shamid R/o village- Bisaharia, Akarthapa, P.S.- Bhargama, District- Araria
4. Jabir S/o Khairuddin R/o village- Bisaharia, Akarthapa, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha, Advocate
For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 354(B), 302, 307, 447, 448 and 504 of the Indian Penal Code.

The informant alleges that he along with his father was going to visit a *kabala mela* when they saw 24 named and about 500 unidentified persons armed with *lathi*, arrow, spear, *farsa* and on orders of Md. Yasin, co-accused Magan and Aabid



assaulted his father by bow and arrow, thereafter all the accused persons entered into the house of the informant and assaulted the female members.

Learned counsel for the petitioners submits that the petitioners have antecedent of two cases. It is further submitted that three F.I.Rs came to be implicated on the same day with respect to the same occurrence which is an issue in the present case as such the petitioners were named in the other two F.I.Rs also. It is further submitted that the petitioners have been falsely implicated in the present case. The specific allegation of causing assault and death is on Md. Yasin, Magan and Aabid and the petitioners are not alleged to have committed any overt act and are similarly situated like Ehsan @ Aihasan who has been granted anticipatory bail vide order dated 22.06.2022 in Cr. Misc. No. 60318 of 2021. Learned counsel submits that no doubt Ehsan was aged about 72 years but then the allegations against him and the present petitioners are similar.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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 Bhargama P.S. Case No. 224 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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