

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57322 of 2022

Arising Out of PS. Case No.-499 Year-2019 Thana- ARARIA District- Araria

1. MD BUDWA @ MD BUDHWA Son of Late Farid Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
2. BECHAN ALAM Son of Late Farid Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
3. ALAM Son of Late Farid Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
4. MD. NASIM Son of Late Farid Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
5. HASBUL Son of Md. Alam Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
6. NAJBUL Son of Md. Alam Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
7. DAWOOD Son of Budhwa Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
8. LAKRA Son of Sitarli Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria
9. KHALID Son of Bechan Resident of Village- Diyaganj, Ward No.- 08, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard Mr. Ramesh Kumar Singh, learned counsel for the petitioners submit that while petitioner Nos. 2 and 3 have been arrested, the petitioner No. 4 unfortunately is no more and as such the prayer with regard to them has become infructuous.

Heard learned counsel for the petitioners and the



learned APP for the State.

The petitioners apprehend their arrest in connection with Araria P.S. Case No. 499 of 2019 instituted under Sections 341, 323, 354(B), 448, 379, 364, 436, 427, 147, 504, 506 of IPC.

As per the prosecution story, allegation is that the petitioners armed variously came to his house and started assaulting him. When this was protested by his family members including wife and daughter-in-law, they too were assaulted. When the people started coming, the accused retreated.

Learned counsel for the petitioners submit that actually the daughter of petitioner No. 2 married the son of the informant which caused some differences between the parties. However, good sense prevailed upon them and finally they came to negotiating table followed by joint petition before the learned CJM, Araria saying that they have compromised the matter.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid facts that now the two family members have come to a compromise, although there is FIR and they will be ultimately facing the trial, it would be not proper to send them behind bars and accordingly, so far as the



petitioner No. 1, Md. Budwa @ Md. Budhwa and petitioner Nos. 5 to 9, Hasbul, Najbul, Dawood, Lakra and Khalid respectively are concerned, this Court is inclined to extend anticipatory bail to them.

Let the petitioners Nos. 1, Md. Budwa @ Md. Budhwa and petitioner Nos. 5 to 9, Hasbul, Najbul, Dawood, Lakra and Khalid be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Araria P.S. Case No. 499 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Araria , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/ Ajay
Singh/-

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