

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17908 of 2024

Arising Out of PS. Case No.-71 Year-2021 Thana- TARABARI District- Araria

1. Md. Tabarak @ Tabarak Son Of A. Wahab @ Wahab
2. Md. Mister @ Mister Son Of Sainuddin @ Md. Sainuddin
3. Md. Faiyaj @ Banno Son Of Sainuddin @ Md. Sainuddin
4. Shahadat @ Mohammad Shahadat Son Of Wahab
5. Haidar Ali @ Haidar Son Of Ful Mohammad @ Fulchand
6. Pappu Son Of Ful Mohammad @ Fulchand
7. Shahanawaz @ Shahnawaz Alam @ Pappu Son Of Amin @ Aminuddin
8. Faizan Son Of Nabi Hasan
9. Md. Sadakat @ Futbi Son Of Wahab
10. Munna Son Of Wahab
11. Inayat @ Hamid Raza Son Of Wahab
12. Md. Dilwar @ Dilbar @ Md. Dildar Son Of Khamaru @ Ata Hussain
13. Ekhalak Son Of Atabul @ Moinuddin
14. Md. Firdos @ Firdos @ Mohammad Firdos Alam Son Of Sainuddin
15. Israfil @ Mohammad Israfil Son Of Shakoor @ Mohammad Shakoor
16. Sakil Son Of Safil @ Atabul
All Resident Of Village- Jhamta, Ps- Tarabari, Distt- Araria
17. Manzar Alam Son Of Mohibur Rahaman Resident Of Village- Hariyabara,
Ps- R.S. O.P Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Anamul Haque, learned counsel for the

petitioners and Mrs. Pushpa Sinha-1, learned Additional Public

Prosecutor for the State.



2. The petitioners are apprehending their arrest in connection with Tarabari P.S.Case No.71 of 2021, FIR dated 04.06.2021 registered for the offences punishable under Sections 147,148,149,341,323,324,307,448,380,504,506 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, the F.I.R. named persons armed variously started to plough the land of the informant and on objection, they indiscriminately assaulted the informant's side.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that due to admitted land dispute, the present occurrence had taken place and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or over-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and co-accused persons, namely, Nabi Hasan and others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.07.2023 passed in Cr. Misc. No.21997 of 2023 and co-accused person, namely, Gafur and others have also



been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 18.10.2023 passed in Cr. Misc. No.67147 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioners and several co-accused persons have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria in connection with Tarabari P.S.Case No.71 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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