

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11728 of 2015**

Arising Out of PS.Case No. -68 Year- 2013 Thana -LAUKHA District- MADHUBANI

1. Md. Shakir @ Shakir S/o Hakim @ Md. Hafiz  
 2. Md. Shabir @ Shabir S/o Hakim @ Md. Hafiz  
 Both resident of Village Majhaura, P.S. Laukaha, District Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s Mr. Ambika Bhagat(Spl.App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

02/ 28.04.2015

Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

The case has been registered under sections 147, 341, 323, 307, 504 of the Indian Penal Code and section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

There is specific allegation against co-accused Jakaula that he abused the informant and his brother calling their caste name and petitioners were not present at the time of the above stated occurrence but later on, the aforesaid co-accused Jakaula telephoned petitioners and then petitioners came there. Furthermore, it is alleged that petitioners and other accused including co-accused Rajullah assaulted the informant's brother with fists, slaps and **danta** as a result of which informant's brother became unconscious.

Learned counsel for the petitioners points out that co-

accused Jakaula and Rajullah have already been admitted to anticipatory bail by a coordinate bench of this court vide order dated 20.03.2015 passed in Cr. Misc. no.42092/2014.

From perusal of the impugned order, I find that police has already submitted charge sheet and furthermore, annexure 3 series to the petition reveal that opinion regarding nature of injury of the injured was kept reserved but learned counsel for the petitioners submits that even at the time of submission of charge sheet, Investigating officer did not collect final injury report of injured of this case.

Taking note of the above stated submissions as well as this aspect of the matter that co-accused Jakaula and Rajullah have already been admitted to anticipatory bail, let the petitioners, in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Jhanjharpur, Madhubani in Laukaha P.S. Case no. 68/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)

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