

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19365 of 2016

Arising Out of PS.Case No. -199 Year- 2015 Thana -KHAIRA District- JAMUI

- =====
1. Mohim Ansari Son of Late Abdul Rajjak
 2. Faruk Ansari, son of Mohim Ansari
 3. Rahup Ansari, son of Mohim Ansari, Resident of village- Islamnagar Garhi, P.S. Khaira, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Khaira P. S. Case No. 199 of 2015, disclosing offences under Sections 147,341,323,379,307,504 of the Indian Penal code and ¾ of the Prevention of Witch Practicing Act.

The allegation against the petitioners is that they called the informant “Dain” and assaulted her with iron rod. It is also alleged that petitioner No.3 assaulted her with a brick.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners and the informant families are of litigating terms. There are at least, three complaint cases filed by

the informant's side against these petitioners who belonged to the same family. He has further submitted that if granted anticipatory bail, there is no likelihood that they will be tampering with the evidence of fleeing from the course of justice.

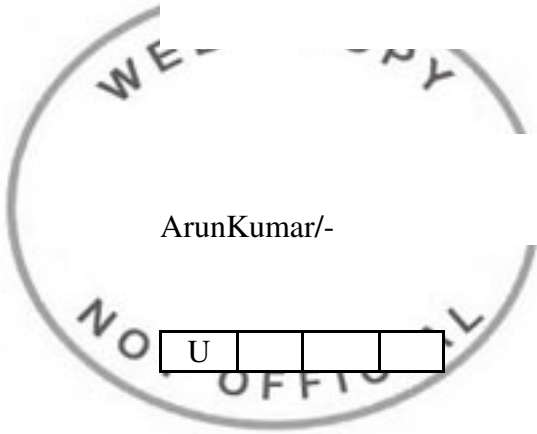
Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that the allegations are substantiated by the injury report since injury has been found to be grievous.

However, I find substance in the submissions advanced on behalf of the petitioner that no offence, prima facie, appears to be made out under Section 307 of the Indian Penal Code.

Considering the above, this application is allowed. Let petitioners above-named in the event of their arrest/surrender within four weeks from today in the Court below, 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 the learned Chief Judicial Magistrate, Jamui in Khaira P. S. Case No. 199 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to

appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.



ArunKumar/-

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(Chakradhari Sharan Singh, J)