

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29189 of 2016

Arising Out of PS.Case No. -263 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Md. Rafique
2. Md. Safique. Both are sons of Manjoor Ali
3. Manjoor Ali, Son of Late Kalimuddin @ Kalu. All are residents of
village - Siyalpara, Safdar Tola, Hirdayaganj, P.S. Sahayak JThana, District
Katihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 20-08-2016 There are three petitioners in the present application.

Petitioners No. 1 and 2 have been arrested during the pendency of
this application. Accordingly, this application on behalf of
petitioners No. 1 and 2 above-named stands dismissed as having
become infructuous.

Heard learned counsel on behalf of petitioner No. 3 and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Katihar Nagar (Sahayak) P.S. Case No. 263 of 2016, disclosing
offences under Sections 341, 323, 307 and 354A/34 of the Indian
Penal Code.

Learned counsel appearing on behalf of the petitioner
No. 3 has submitted that the allegation is of assaulting the
informant with kicks and slaps. It is alleged against the petitioner

no. 2 that he had assaulted the informant with bamboo stick. Learned counsel for the petitioners appears to be right in his submission that on the basis of the allegation made in the First Information Report, prima facie, no offence under Section 307 of the Indian Penal Code is made out.

Considering the submission as above, this application on behalf of petitioner No. 3 is allowed.

Let the petitioner No. 3, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar (Sahayak) P.S. Case No. 263 of 2016, 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 petitioner No. 3 shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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