

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32286 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -SIRDALA District- NAWADA

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1. Md. Mukhtar, son of Md. Jakir
2. Afsari Khatoon, wife of Md. Seraj
3. Md. Monaf @ Md. Monab, son of Md. Moin
4. Md. Seraj, son of Late Jabbar. All are residents of Village- Bhatbigha,
P.S.- Sirdala, District- Nawada. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sirdala P.S. Case No. 23 of 2016, disclosing offences under Sections 323, 326, 307, 379, 506, 504, 149 and 120B of the Indian Penal Code.

There are altogether 13 persons named in the First Information Report, who are said to have assaulted the informant and Punam Khatoon. A complaint petition filed by the informant is the basis for registration of First Information Report under Section 156(3) of the Code of Criminal Procedure.

Learned counsel appearing on behalf of the petitioners has invited attention that for the alleged occurrence, said to have been taken place on 04.10.2015, the complaint petition was filed on 06.01.2016 and there is no justifiable reason for such delay. He

has further submitted that though there is allegation against Md. Danish and Md. Monaf of having caused assault leading to injury, there is no such allegation against these petitioners, who have no criminal antecedent.

Considering the submission as above, this application is allowed.

Let the petitioners, above-named, in the event of their 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 each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nawada in connection with Sirdala P.S. Case No. 23 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 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.

(Chakradhari Sharan Singh, J)

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