

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42516 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -AMAUR District- PURNIA

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1. Mahmood Alam Son of Ashabuddin
2. Gulam Sabir Son of Ashabuddin
3. Md. Farooque @ Farooque Son of Gulam Sabir
4. Naushad Son of Gulam Rasool
5. Sadique Son of Gulam Sabir All are residents of Village- Bairbanna
Malhana, Police Station Amour, District Purnea. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Sri Asharaf Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Amour P.S. Case No. 50 of 2016, disclosing offences under
Sections 147, 341, 448, 323, 324, 307, 379, 506 and 504 of the
Indian Penal Code.

The occurrence appears to have taken place in course of
last Panchayat poll. It is alleged that F.I.R. named accused persons
Md. Arshad Hussain and Sajid assaulted the informant with sword
and farsa respectively.

It is submitted on behalf of the petitioners that there is
no specific allegation of assault against them. It has also been
submitted that the injury report falsifies the case of the prosecution
inasmuch as the injury on the head of the informant has been

found to have been caused by hard and blunt substance. He has submitted that there is counter case lodged on the same date at the instance of the petitioner No. 1 being Amour P.S. Case No. 51 of 2016.

Considering the facts and circumstances and the submissions as noted 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, Purnea in connection with Amour P.S. Case No. 50 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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