

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58195 of 2015

Arising Out of PS.Case No. -172 Year- 2015 Thana -BARSOI District- KATIHAR

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1. Md. Najim, Son of late Hatim
2. Md. Ashfaque, Son of Md. Najim, Both are Residents of village Chhuni
Tola, P.S. Barsoi, District- Katihar Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Amit Kr. Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 30-01-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Barsoi P.S. Case No. 172 of 2015, disclosing offences under
Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code.

Briefly narrated the prosecution case is that petitioner
no. 1 Md. Najim was talking on phone in the presence of the
informant, hatching up some conspiracy against the informant and
her family members. When the informant asked as to why he was
doing so, he called other co-accused persons including petitioner,
who assaulted the informant and his son, namely, Sukuru with
bamboo, causing injuries.

Learned counsel appearing on behalf of the petitioners
submits that the petitioners have been maliciously implicated by
the injured persons, who did not present themselves for X-ray

examination. He further submits that no case under Section 307 of the Indian Penal Code is made out from the contents of the complaint petition, which is the basis for institution of the First Information Report under Section 156(3) of the Cr.P.C.

In view of 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 Chief Judicial Magistrate, Katihar in connection with Barsoi P.S. Case No. 172 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.

(Chakradhari Sharan Singh, J)

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