

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41976 of 2016

Arising Out of PS.Case No. -466 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Md. Washim @ Md. Basim Son of Md. Ishahaque
 2. Md. Tabrej Son of Md. Rustam
 3. Md. Nashim Son of Md. Ishahaque
 4. Md. Mosim @ Md. Mosnin Son of Md. Ishahaque. All are residents of Rampara, P.S.- Nagar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate
For the Informant : Mr. Pankaj Sinha, Advocate
Mr. Sanjeev Kr. Singh, Advocate
For the Opposite Party/s : Mr. Sri Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nagar P.S. Case No. 466 of 2016, disclosing offences under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

From the First Information Report, it appears that allegation against petitioner No. 1 is of causing assault by a sword and against petitioner No. 2 of causing assault by sickle (Hasua). So far as petitioners No. 3 and 4 are concerned, there is no specific allegation against them.



Learned counsel for the petitioners has submitted that no injury has been found to have been caused by sharp cutting weapon though there is allegation that assault was made by sword and Hasua both of which are sharp cutting weapons. He has also submitted that some dispute between the petitioners and the informant, for which a Panchayati was going on, is the apparent reason behind the occurrence and since the petitioners have no criminal antecedent, they should be allowed anticipatory bail.

Learned counsel appearing on behalf of the informant, on the other hand, has opposed the prayer for anticipatory bail and has submitted that grievous injuries have been found on the head of the injured and he has been referred to I.G.I.M.S. for specialized treatment and therefore the petitioner could not deserve anticipatory bail.

Considering the facts and circumstances of the case and genesis of occurrence, 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 Nagar P.S. Case No. 466 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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