

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51043 of 2016**

Arising Out of PS.Case No. -81 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

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1. Md. Atique, S/o Lal Mohammad,  
2. Md. Jahangir, S/o Late Md. Rafique,  
3. Md. Ali, S/o Md. Haider Ali, All are resident of Village- Rambhadrapur,  
P.S.- Kalyanpur, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prem Prakash Poddar

For the Opposite Party/s : Mr. Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      19-12-2016      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

This is an application for anticipatory bail for the offences under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code and section 27 of the Arms Act.

It has been submitted on behalf of the petitioners that there is case and counter case.

The allegation against the petitioners is that petitioner no.1 has assaulted the informant on his head with Farsa, petitioner no.2 has assaulted on the head of Yunus by means of Farsa and petitioner no.3 has assaulted Dulare with Farsa.

It has been submitted on behalf of the petitioners that



there is allegation of assault against the petitioners but the injuries are found simple in nature. It has also been submitted on behalf of the petitioners that some other co-accused have been granted anticipatory bail by order dated 2.12.2016 passed in Cr.Misc.No.46625 of 2016.

Heard learned APP appearing for the State, who opposed the prayer for anticipatory bail.

Having heard both sides and in view of the fact that there is allegation of assault against the petitioners also, to my mind, this is not a fit case for grant of anticipatory bail. Accordingly, prayer of the petitioners is rejected.

However, if the petitioners surrender before the Court below and seek regular bail, the court below will examine the material available on record specifically the injuries on the person of the injured and if the injuries are found to be simple in nature, the court below shall consider the same and dispose of the same on its own merit, on the same day, without being prejudiced by the present order.

**(Vinod Kumar Sinha, J)**

A.I./-

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