

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41035 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA

1. Md. Subhan S/o Mohammad,
2. Abu Bakar, S/o- Subhan @ Md. Subhan, Both are R/V- Pohaddi Bela,
P.S.- Ghanshyampur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Sri Shailendra Kumar -1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Ghanshyampur P.S. Case No. 102 of 2016, disclosing offences
under Sections 447, 341, 323, 324, 307, 379, 354 and 504/34 of
the Indian Penal Code.

It appears from the First Information Report and
another First Information Report lodged by the son of the
petitioner No. 1, namely, Umar Faruk (Ghanshyampur P.S. Case
No. 105 of 2016) that in a scuffle, there was free fight.

Learned counsel appearing on behalf of the petitioners
has submitted that no offence under Section 307 of the Indian

Penal Code is made out inasmuch it cannot be said that any assault was made in order to kill the informant or any person. It has been stated in paragraph 3 of the application that the petitioners have no criminal antecedent.

Considering the submissions 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, Biraul, District-Darbhanga in connection with Ghanshyampur P.S. Case No. 102 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)

Vats/-c

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