

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5983 of 2016

Arising Out of PS.Case No. -155 Year- 2015 Thana -KADWA District- KATIHAR

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1. Md. Jiaul @ Jiaul
 2. Md. Jamil @ Jammil
 3. Md. Ezahar @ Ezahar All sons of Md. Sarfuddin null
 4. Md. Majnu @ Majnu
 5. Md. Azad @ Azad All sons of Firazuddin
 6. Md. Kaishar @ Kaisar S/o Firozuddin
 7. Bibi Sahari Khatoon @ Sahari Khatoon, Wife of HArun
 8. Bibi Jinia Khatoon @ Jinnat @ Jinia Khatoon Wife of Atabul
 9. Bibi Nazera Khatoon @ Nazera Khatoon, wife of Majnu All residents of Village- Sonapur, Kaldehi, Police Station- Kadwa, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Firoz Ahmad
For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-02-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kadwa Police Station Case No. 155 of 2015,
disclosing offences under Sections 147, 149, 341, 323, 504,
324, 307 and 379 of the Indian Penal Code.

It is stated at the very outset that petitioner no.
6, namely, Md. Kaishar @ Kaisar, has been arrested during
the pendency of this application.

This application to the extent it relates to

petitioner no. 6, Md. Kaishar @ Kaisar, has become infructuous and accordingly stand dismissed as having become infructuous.

Learned Counsel appearing on behalf of the petitioners submits that the injuries on the informant have been found to have been caused by hard and blunt substance, which belies the case of the prosecution. He further submits that there is counter case, lodged by petitioner no. 5, Md. Azad @ Azad.

Considering the nature of dispute and accusation, as also the fact that the petitioners have no criminal antecedents, this application is allowed.

Let the petitioners, namely, Md. Jiaul @ Jiaul, Md. Jamil @ Jamil, Md. Ezahar @ Ezahar, Md. Majnu @ Majnu, Md. Azad @ Azad, Bibi Sahari Khatoon @ Sahari Khatoon, Bibi Jinia Khatoon @ Jinnat @ Jinia Khaton and Bibi Nazera Khatoon @ Nazera Khatoon, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate IV, Katihar, in connection with Kadwa Police Station Case No. 155 of 2015, subject to the condition 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 same 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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