

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37120 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -NIMCHAKBATHANI District- GAYA

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1. Akhtar Khan Son of Late Hanif Khan
2. Anwar Khan Son of Akhtar Khan Both Resident of village -
Simraur,P.S. Nimchak Bathani, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-09-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Nimchak Bathani Police Station Case No. 09 of
2016, disclosing offences under Sections 147/148/149/323/
325/326/307 of the Indian Penal Code and Section 27 of
the Arms Act, 1959.

Allegedly, the accused persons, including these
petitioners, assaulted the informant with lathi and danda. It
is also alleged that someone had opened fire, but it did not
hit the informant. It is alleged against accused Mumtaz
Khan that he had assaulted the informant with dagger.

Learned Counsel for the petitioners has
submitted that there is no specific allegation against them.
The petitioners have no crimination antecedent, as stated in
paragraph 3 of the application. It has also been submitted

that the injuries have been found to be simple in nature and that no offence under Section 307 of the Indian Penal Code is made out on the basis of what has been alleged in the First Information Report.

Considering the above submissions, this application is allowed.

Let the petitioners, namely, Akhtar Khan and Anwar Khan, 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 Additional Chief Judicial Magistrate X, Gaya, in connection with Nimchak Bathani Police Station Case No. 09 of 2016, 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 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.)

Prabhakar Anand/-

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