

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53948 of 2016

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

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1. Gazi Khan, Son of Akhtar Khan, 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 Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 21-12-2016 Heard the Counsel for the petitioner, the informant and Mr.
Dayal, APP for the State.

Apprehending his arrest in Nimchak Bathani P.S. Case No.
09 of 2016 registered under Sections 147, 148, 149, 323, 325, 326,
307 of the Indian Penal Code and Section 27 of the Arms Act, the
present application is filed for grant of anticipatory bail.

Contention is that the petitioner, along with others,
intercepted the informant and assaulted. Specific allegation of
causing injury near the eye of the informant is attributed to co-
accused Mumtaz Khan. It is submitted that out of animosity, the
petitioner has been named in this case. The informant has criminal
antecedent whereas the petitioner has no such antecedent.
Considering the particular facts of the case, two other co-accused
persons of the case have been granted anticipatory bail vide order
dated 22.09.2016 passed in Cr. Misc. No. 40643 of 2016 (part of
Annexure-3).



Counsel for the informant, on the other hand, points out that the informant received injury near the eyes which is a vital organ.

Be that as it may, considering the fact that other accused persons having identical allegations have been released on anticipatory bail, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gaya in Nimchak Bathani P.S. Case No. 09 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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