

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35016 of 2016**

Arising Out of PS.Case No. -41 Year- 2016 Thana -BAUSI District- PURNIA

- =====
1. MD. JAMIRUL @ JAMIRUL ISLAM Son of Late Rafique
  2. Md. Jamshid Son of Late Rafique null
  3. Md. Rizbi Son of Md. Jamirul All are resident of Village- Chandra Gaon, Police Station- Baisi, District- Purnea.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Raj Kumar, Advocate.

For the Opposite Party : Mr. Mukeshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

3      16-11-2016      Heard the counsel for the petitioners and Mr. M.Dayal, learned APP for the State.

Three petitioners herein belong to one family. The prosecution side is Gotiya. They are facing accusations punishable under Sections 307 IPC vide Baisi P.S.Case No.41 of 2016.

In brief, the prosecution case is that on 08.04.2016 the FIR named accused entered the house of the informant and at the orders of petitioner no.1, petitioner no.2 is said to have assaulted Matalib on neck with sword. Petitioner no.3 is also alleged to have assaulted another injured, namely, Noor Alam with sword on head and both of them received injuries causing profused bleeding.

The contention of the petitioners is that even according to the First Information Report, the occurrence has taken place over a land dispute. The petitioner no.1 being father of petitioner no.3

and brother of petitioner no.2 has been given the ornamental role of order giver. Petitioner no.2 also received grievous injury on the hands for which Annexure-2 was registered from the petitioners' side. Petitioners have got no criminal antecedent.

The learned APP opposed the prayer and submitted that the specific allegation of inflicting sword injury to the two injured have been assigned to the petitioner no.2 and petitioner no.3.

Considering the nature of allegations and other materials available on record, the Court is not inclined to release the anticipatory bail of petitioner no.2 Md. Jamshid and petitioner no.3 Md. Rizbi. Their prayer for anticipatory bail stands rejected.

However, let the petitioner no.1 Md. Jamirul @ Jamirul Islam in the event of his arrest or surrender in the court below within a period of four weeks 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 CJM, Purnea in connection with Baisi P.S.Case No.41 of 2016 (G.R.No.1056 of 2016), subject to the conditions as laid down under Sections 438(2) of the Cr.P.C. and with further condition that one of the bailors shall be own close relative.

**(Kishore Kumar Mandal, J)**

B.Kr./-

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