

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4075 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -NATHNAGAR District- BHAGALPUR

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1. Md. Samser,
2. Md. Sharook,
3. Md. Auragjeb petitioner Nos. 1 to 3 son of Md. Roostam.
4. Md. Roostam, Son of Md. Suleman.
5. Bibi Tubhiya, Wife of Md. Samser.
6. Bibi Bazifa Wife of Md. Roostam. All resident of Village - Belkhoriya, Police Station- Madhusudanpur, District- Bhagalpur.
7. Md. Nunka @ Md. Azad Nunka, Son of Md. Zubair, Resident of Village- Khaira, Police Station- Shakhund, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-03-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147/148/149/323/307/504/506 of the Indian Penal Code.

Allegation against petitioner Md. Samser is that he fired causing injury to the informant. Petitioner Md. Nunka @ Md. Azad Nunka caused injury on the head of the informant by iron rod. The doctor has found grievous head injury on the person of the informant caused by hard and blunt substance and no fire-arm injury was found on the person of the informant.



There is general and omnibus allegation of assault against other petitioners.

Considering the nature of allegation against Md. Nunka @ Md. Azad Nunka, I am not inclined to grant anticipatory bail to petitioner Md. Nunka @ Md. Azad Nunka. Hence, anticipatory bail prayer of the petitioner is refused.

As far as other petitioners are concerned, let the petitioners, namely, Md. Samser, Md. Sharook, Md. Aurangjeb, Md. Roostam, Bibi Tubhiya and Bibi Bazifa, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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-I, Bhagalpur/Successor Court in connection with Nathnagar (Madhusudanpur) Police Station Case No.254 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioners shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioners in this case.

(Birendra Kumar, J)

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