

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15728 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Mostkim, Son of Mahangu Mian.
2. Md. Ladoo, Son of Mahangu Mian.
3. Md. Afroz, Son of Mahangu Mian.
4. Mahangu Mian @ Md. Mahangu Mian. Son of late Rahim Mian.
All resident of Village- Tikam, Police Station- Madhuban, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-04-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Madhuban P.S.

Case No. 128 of 2016 instituted for the offence under Sections 341,
323, 324, 307 and 379/34 of the Indian Penal Code.

It has been submitted that the instant case is a counter
blast of Madhuban P.S. Case No. 126 of 2016 lodged by the wife of the
petitioner No. 1 Noor Nesa Khatoon against the husband of the
informant and others for the offences under Sections 307, 379 and other
allied Sections of the Indian Penal Code. It has further been submitted
that the injuries sustained by the husband of the informant is superficial
in nature. The injury report of the husband of the informant has been
enclosed as Annexure-3 wherein doctor has found simple injury caused



by hard and blunt substance. Injury No. 1 is lacerated wound 1 ½” skin deep on middle of the head whereas injury No. 2 was complain of whole body ache.

In such circumstances, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Madhuban P.S. Case No. 128 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, East Champaran, Motihari, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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