

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10763 of 2017

Arising Out of PS.Case No. -174 Year- 2016 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

- =====
1. MD. NAUSHAD, S/o Abdul Aziz,
 2. Md. Dulare, S/o Abdul Aziz,
 3. Md. Soyeb, S/o Late Md. Safique, all are R/o village- Kailitard Mushlim Tola, P.S.- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 11-04-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Bhagwanpur P.S. Case No.174 of 2016 instituted for the offence under Section(s) 447, 341, 323, 325, 308, 504, 379/34 Indian Penal Code.

It is alleged in the written report that the petitioners and other accused persons assaulted the informant and his son with lathi, *farsa*, etc. causing injury to them.

Injury report is available in the case dairy, wherein, the doctor has found swelling on right forearm of Md. Kaishar and swelling on left forearm of Md. Yunus and opinion with



regard to both injuries were kept reserved. Other injuries were simple in nature.

It has been submitted that the occurrence took place on account of land dispute and both parties are agnates. It is mentioned in para 3 that the petitioners have no criminal antecedents.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Bhagwanpur P.S. Case No.174 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, 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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