

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25564 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Sk. Jumman son of Sk. Sajjad

2. Sk. Mister son of Sk. Sajjad

3. Fatiya Alam son of Late Ibrahim

All residents of village - Haflaganj, Police Station - Muffasil, District -
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 10-07-2017 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor appearing on behalf of

the State of Bihar.

This application, for grant of anticipatory bail,
arises out of Mufassil Police Station Case No. 154 of 2016,
disclosing offences under Sections 341/323/307/34 of the
Indian Penal Code.

Learned Counsel for the petitioners has
submitted that it is evident from the First Information
Report that the petitioners and the informant are next-door
neighbours and because of some long pending dispute
between them, the First Information Report has been
lodged. He has submitted that even if the allegations made
in the First Information Report are taken to be true, no



offence under Section 307 of the Indian Penal Code can be said to be made out inasmuch as there is no allegation of repetition of assault by these petitioners. According to him, it does not appear that the injuries are grievous in nature.

Considering the above submission, this application is allowed.

Let the petitioners, namely, Sk. Jumman, Sk. Mister and Fatiya Alam, in the event of their arrest or surrender before the Court below within six weeks, be released on 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 Chief Judicial Magistrate, Katihar, in connection with Mufassil Police Station Case No. 154 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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