

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41268 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -GHOSI District- JEHANABAD

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1. Md. Anwar, Son of Md. Muslim
2. Md. Muslim, Son of Nanhak Mian
Both are residents of Village - Gopalganj, Police Station - Ghosi in the District of Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Ghosi P.S. Case No. 153 of 2016 instituted for the offence under Sections 147, 148, 149, 341, 323, 337, 325, 307, 379, 504 and 506 of the Indian Penal Code.

As per allegation in the *Fardbeyan*, petitioner No. 2 assaulted the informant with bricks and iron rod causing injury on his face, upper lip and fracture injury in his teeth.

The injury report has been enclosed as Annexure-2 which supports the allegation against the petitioner. The Doctor has found three injuries over nose, upper lip and fracture of teeth.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner No.2 namely, Md. Muslim.



Prayer for anticipatory bail of petitioner No. 2 stands rejected.

So far as petitioner No. 1 namely, Md. Anwar is concerned, there is general and omnibus allegation against him. Therefore, prayer for anticipatory bail of the petitioner No. 1, namely, Md. Anwar, is allowed. In the event of surrender/arrest of the petitioner No. 1, named above, within six weeks from today, in connection with Ghosi P.S. Case No. 153 of 2016, he shall 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 learned Chief Judicial Magistrate, Jehanabad, 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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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