

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46677 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -ISHOPUR District- BHAGALPUR

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1. Md. Zakir son of Late Latif Miyan Resident of Village-Shyampur, Police Station -Ishipur (Barahat), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ishipur (Barahat) P.S. Case No. 07 of 2017 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code.

It is alleged in the written report that the petitioner with three other accused persons assaulted the son of the informant with bricks, stones, bottles of Pepsi Cola etc causing injury on the head.

Case diary has been received.

Counsel for the petitioner has submitted that there are two injury reports in the case diary. One injury report is of JNMH, Bhagalpur wherein one head injury has been shown, and the same has been opined to be grievous in nature. Counsel for the petitioner has pointed out towards the injury report issued from Siligurhi Hospital in which, it has been mentioned that the victim was admitted in the hospital after receiving injury in road accident on 03-03-2017.



Counsel for the petitioner has further pointed out statement of victim recorded in paragraph-40 of the case diary wherein the victim has levelled allegation against three accused persons namely, Md. Alim, Md. Zakir and Md. Rahman, but as per injury report of JNCH, Bhagalpur, only one injury has been found on the person of the injured.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Ishipur (Barahat) P.S. Case No. 07 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Bhagalpur subject to condition as laid down u/S 438(2) of the 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 petitioners.

(Sanjay Priya, J)

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