

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54618 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -MANIGACHI District- DARBHANGA

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1. Jannati Khatoon, D/o Late Sabibul @ Nathuni,
2. Md. Suhaib @ Shoaib Shah S/o Daud Shah ,
3. Md. Ojair @ Ojair Shah S/o Daud Shah,
4. Md. Israil Shah @ israil Shah @ Md. Israil, S/o Late Sabibul Shah @
Nathuni, All R/o village- Mainarhika, Bazidpur, P.S.- Manigachhi, District-
Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-12-2017 At the outset, it has been submitted that prayer for anticipatory bail of petitioner No. 4 has already been dismissed as withdrawn vide order dated 15-11-2017.

So far as rest three petitioners are concerned; they apprehend arrest in Manigachhi P.S. Case No. 136 of 2017 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code.

Heard learned counsel for the petitioner Nos. 1, 2 & 3 and the State.

It has been submitted that there is case and counter case between the parties. The mother of petitioner No. 1 has also



lodged Manigachhi P.S. Case No. 137 of 2017 for the same date of occurrence against the informant and her sons. The injury has been sustained by both sides.

In the written report, there is allegation that when the informant and her son, Md. Saddam Naddaf went to complain Ahmadi Khatoon, then her son Israil Shah gave Farsa blow on the head of the informant. On hulla, Sanjeera Khatoon daughter in law of the informant came to save her, then Shoaib (petitioner No. 2) gave farsa blow on her head. The husband of the informant came and tried to pacify the matter, then petitioner No. 3 assaulted him with iron rod on the head. The petitioner No. 1 Jannati Khatoon gave Hasua blow on the hand of the informant.

The case diary has been received.

The injury reports of all the injured persons are available wherein the doctor has found all the injuries to be simple in nature.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner Nos. 1, 2 & 3 named above in the event of their 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 Manigachhi P.S. Case No. 136 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Darbhanga 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 Nos. 1, 2 & 3 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 Nos. 1, 2 & 3 and (3) if petitioner Nos. 1, 2 & 3 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 petitioner Nos. 1, 2 & 3.

(Sanjay Priya, J)

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