

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55066 of 2017

Arising Out of PS.Case No. -233 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Hafiz Kalam @ Md. Abul Kalam.
 2. Imamuddin @ Md. Imam Ahsan Both sons of Late Sheikh Sattar.
 3. Lal Babu son of Late Bhikhari @ Sheikh Bhikhari All are residents of village - Siswa, Police Station - Banjariya, District - East Champaran.
 4. Ataullah son of Md. Nurullah Resident of village - Mahmadi, Police Station - Patahi, District - East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Zeyaul Hoda, Advocate.

For the Opposite Party : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in Turkauliya
(Banjaria) P.S. Case No.233 of 2017 for the offence under
Sections 341, 323, 307, 504, 506, 120(B) of the I.P.C. and Section
27 of the Arms Act.

As per written report there is allegation against the
petitioners that while the informant was returning from Motihari to
his village two unknown persons on motorcycle were standing
there from before. The pillion driver of that motorcycle opened
fire on the informant but he did not sustain any injury.



Counsel for the petitioner has submitted that the petitioners have been falsely implicated by the informant merely on account of family dispute. There is admitted civil dispute between the parties which is still pending. There is general and omnibus allegation against the petitioners. The informant has himself mentioned in the written report that there is previous land dispute between the parties and he sustained injuries.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of C.J.M., Motihari, (East Champaran, in Tirkauliya (Banjaria) P.S. Case No.233/17 subject to the conditions as laid down under Section 438 (2) of 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)

AnilKrSinha/-

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