

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51303 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana -AMDABAD District- KATIHAR

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1. Md. Ashfak @ Ashfak Ali, S/o Late Abdul Mannan,
2. Firoz Alam @ Saddam S/o Ashfak Ali, Both are R/o Molamari, P.S.-
Amdabad, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Amdabad P.S. Case No.
125 of 2017 instituted for the offence under Section-325 & other
minor Sections of the Indian Penal Code.

It is alleged that petitioner No. 1 assaulted Most. Sajenoor
Khatoon with farsa on her head causing bleeding injury and she became
unconscious. The allegation against petitioner No. 2 is of assaulting the
informant on his head with sickle.

The case diary has been received wherein the injury report
of both the injured are available. Most. Sajenoor Khatoon has sustained
grievous injury on her head caused by sharp cut weapon.

Therefore, this court is not inclined to grant anticipatory
bail to petitioner No. 1. Accordingly, prayer for anticipatory bail of
petitioner No. 1 is rejected.



The petitioner No. 1 is directed to surrender in the court below and seek regular bail which will be considered by the court below in accordance with law without being prejudiced by this order.

So far as petitioner No. 2 is concerned, his prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 2 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 Amdabad P.S. Case No. 125 of 2017 to the satisfaction of Sri Dharmendra Singh, learned Judicial Magistrate-Ist Class, Katihar 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 No. 2 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 No. 2 and (3) if petitioner No. 2 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 No. 2.

(Sanjay Priya, J)

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