

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.17797 of 2017**

Arising Out of PS.Case No. -134 Year- 2016 Thana -HASANPUR District- SAMASTIPUR

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1. Md. Shamim son of Late Md. Siddiqui Resident of village Sirsiya,  
Police Station - Hasanpur, District - Samastipur.

2. Rashid Ansari @ Md. Rashid Ahmad @ Rashid Ahmad Son of Late Md.  
Hussain Resident of Village Manger Police Station - Jalai, District -  
Saharsa.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ranjeet Kumar,  
Mr. Kundan Kumar, Advocates

For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      11-04-2017                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners are in custody since 22.02.2017 in  
connection with Hasanpur P.S. Case No. 134 of 2016 for the  
offences alleged under Sections 147, 148, 149, 341, 323, 325, 379,  
427, 504 and 506 of the Indian Penal Code and Sections 25(1-B)A  
and 37 of the Arms Act.

3. It is submitted that the petitioners have been falsely  
implicated as evident from the injury report of Md. Safiullah upon  
whom petitioner no. 1 is said to have assaulted with sword. There  
is only one injury caused by hard and blunt substance which itself  
falsifies the accusation against the petitioner. It is further stated  
that the informant's mother has not sustained any injury though it  
has been alleged that she was assaulted with axe by co-accused  
Rashid Ahmad. Of 12 accused persons, eight of them have been  
granted anticipatory bail by this Court in Cr. Misc. No. 45867 of  
2016. It is further stated that the present FIR has been instituted  
only to put pressure upon the accused persons as there is already



Title Suit No. 66 of 2009 pending between the parties in the court of Civil Judge, Senior Division, Rosera, District Samastipur for declaration of title and confirmation of possession. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Rosera, District Samastipur in connection with G. R. No. 586 of 2016 arising out of Hasanpur P.S. Case No. 134 of 2016 with the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Vikash Jain, J)**

B.T/Chandran

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