

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52453 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

- =====
1. Md. Leyaquat, s/o Md. Shamim Shah,
 2. Md. Reyasat, s/o Md. Shamim Shah,
 3. Md. Tamijid Sah, s/o Md. Sadique Shah @ Md. Sadique,
 4. Shakial Khatoon @ Shakila Khatoon, w/o Md. Tamijid Sah,
 5. Ishrat Khatoon, W/o Md. Shamim Shah, all are r/o Village- Rasulpur,
P.S.- Hayaghat, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 09-11-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Hayaghat P.S.**

Case No.42 of 2017 instituted for the offence under Section(s)
341, 342, 323, 326, 504, 506 Indian Penal Code.

Counsel for the petitioners has submitted that there
is case and counter case between the parties. Prior to lodging of
this case, co-accused Md. Shamim Sah has lodged Hayaghat P.S.
Case No.38 of 2017 against the Informant and others.

In the instant case, there is allegation against
petitioner no.1 that he attempted to assault the informant with
handle of tube-well, which was saved by the informant and



several other persons. There is allegation against co-accused, Md. Shamim, of throwing boiled water on the person of the informant on account of which he sustained burn injuries. There is no allegation of any specific overt act against petitioner nos.2, 3, 4 and 5.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Hayaghat P.S. Case No.42 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, Darbhanga**, subject to the conditions as laid down under Section 438(2) 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)

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