

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.113 of 2017

Arising Out of PS.Case No. -274 Year- 2016 Thana -GARKHA District- SARAN

- =====
1. Azad Ali @ Md. Azad Ali, S/o Syed Ali,
 2. Rizwan Ali @ Md. Rizwan, S/o Md. Anwar,
 3. Ansar Ali @ Ansar Mian, S/o Md. Lukman,
 4. Md. Shahabuddin Ansari @ Shahabuddin Mian, S/o Wahab Ansari,
 5. Tausif Raza, S/o Shahabuddin Mian, all resident of village- Garkha,
P.S.- Garkha, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 19-04-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Garkha
P.S. Case No.274 of 2016 instituted for the offence under
Section(s) 147, 148, 149, 323, 324, 325, 307, 504, 506 Indian
Penal Code and Section 27 of the Arms Act.

It is alleged that petitioner No.2 assaulted the father
of the informant with iron rod on his head and he fell down
causing bleeding and thereafter petitioner No.4 assaulted him
with *lathi*. In the meantime, the informant heard sound of firing.
The informant wanted to save his father then co-accused
Qyamuddin assaulted the informant by *farsa* on his neck, which



he saved with hand and sustained cut injury in the thumb of right hand. Thereafter, petitioner No.1 fired on the informant causing bleeding injury in his left hand. Petitioner No.5 assaulted with sword on the neck causing cut injury and bleeding took place. The informant and his father were taken to PMCH for treatment.

Case diary has been received. Injury report of the informant and his father is available in the case diary, wherein, the doctor has found injuries on their person as described in the written report. Opinion was reserved till X-ray, but it appears that no final opinion has been given.

From the Injury Reports, it appears that both injured were examined at Sadar Hospital, Saran, but as per the written report both injured were sent to PMCH.

It has been submitted on behalf of the petitioners that no fire arm injury has been found on the person of the informant. The doctor has found bleeding injury on the right hand of the informant.

In the facts and circumstances of the case, this Court finds that there is specific allegation against petitioner Nos.1, 2, 4 and 5 of assaulting the informant and his father.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner Nos.1, 2, 4 and 5.



Their prayer for anticipatory bail is rejected. They may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner No.3, Ansar Ali @ Ansar Mian, is concerned, there is no allegation of any specific overt act against him. His prayer for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.3, Ansar Ali @ Ansar Mian, within six weeks from today in connection with Garkha P.S. Case No.274 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, V, Saran at Chapra, 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) petitioner No.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 No.3 and (3) if petitioner No.3 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.3.

(Sanjay Priya, J)

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