

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30390 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -ARARIA District- ARRARIA

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1. Mazhar, S/o Akhtar
 2. Azhar, S/o Akhtar
 3. Akhtar, S/o late Kabir
 4. Bibi Murshida Khatoon, W/o Akhtar
 5. Bibi Razia Khatoon, D/o Akhtar, All Village-Dhokaria Diyari, P.S.-
Araria, District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-07-2017

By order dated 06.07.2017, this application in respect of petitioner No.1, Mazhar, has been dismissed as withdrawn since he was arrested.

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Araria P.S. Case No.172 of 2017 instituted for the offence under Section(s) 143, 341, 323, 324, 307, 504/34 Indian Penal Code.

It is alleged in the written report that all the accused persons assaulted the mother of the informant and Danish, nephew of the informant when they came at the place of occurrence. There was altercation on account of land.



Grandmother of the informant sustained injury on her head.

Case diary has been received.

Learned APP has pointed out that in the case diary the informant in his further statement in para 5 and other witnesses in para 6, 7 and 8 have levelled specific allegation against co-accused, Mazhar, for assaulting the grandmother of the informant with spade.

From the written report, it appears that there is no allegation of any specific overt act against the petitioners.

In the facts and circumstances of the case, prayer of the petitioner Nos. 2 to 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos.2 to 5, named above, within six weeks from today in connection with Araria P.S. Case No.172 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 Chief Judicial Magistrate, Araria, 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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