

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38654 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -AMDABAD District- KATIHAR

- =====
1. Samirul Haque @ Samirul @ Md. Samirul Haque, son of Nezam
 2. Md. Bhola, son of Abdul Barik
- Both residents of village - Jhabbu Tola, P.S. Amdabad, District - Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Amdabad
P.S. Case No. 94 of 2017 instituted for the offence under Sections
341, 323, 324, 307, 504, 147, 148 and 149 of the Indian Penal
Code.

There is allegation against petitioners No. 1 and 2 that
they assaulted the father of the informant with *Farsa* and *Sickle* on
his head, and co-accused Nejam assaulted the father of the
informant with *Sickle* on hand.

Learned counsel for the petitioners has submitted that
there is case and counter case between the parties. The prosecution
party has also assaulted the mother of petitioner No. 1 and his



other family members for which mother of petitioner No. 1 has lodged a case bearing Amdabad P.S. Case No. 95 of 2017.

The injury report of father of the informant has been annexed as Annexures-3 and 3/1 wherein the Doctor has found one injury fracture over ulna to be grievous in nature.

From the written report it appears that there is land dispute between the parties and there has been free fight from both sides.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Amdabad P.S. Case No. 94 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri D. Singh, learned Judicial Magistrate, 1st Class, Katihar, 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.

S.Ali/-

(Sanjay Priya, J)

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