

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38823 of 2017

Arising Out of PS.Case No. -382 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Md. Seraj, Son of Md. Mumtaz Ansari, R/o Village- Salempur, P.S.-
Mufassil, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mufassil P.S. Case
No. 382 of 2016 instituted for the offence under Sections 341, 323, 307
and 325 read with Section 34 of the Indian Penal Code.

It has been submitted that the instant case is counter blast
of Muffasil P.S. Case No. 381 of 2016 filed by the petitioner against
the family members of the informant.

In the instant case there is allegation against the petitioner
that he gave *lathi* blow on the head of the informant. The injury report
has been enclosed as Annexurew-2 wherein the Doctor has found one
lacerated wound over left side of scalp measuring 1/2" x 1/6" x 1/6"
(Itbxd) which was simple in nature caused by hard and blunt substance.

From the written report itself it appears that there is no
repetition of blow.



Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Mufassil P.S. Case No. 382 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, 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 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 and (3) if petitioner 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.

(Sanjay Priya, J)

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