

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38176 of 2017**

Arising Out of PS.Case No. -45 Year- 2017 Thana -SRINAGAR District- WEST CHAMPARAN  
(BETTIAH)

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1. Usman Gaddi, son of late Gopal Gaddi
2. Subhan Gaddi, son of late Gopal Gaddi
3. Ashmohamad Gaddi @ Ashmahamad Gaddi, son of late Gopal Gaddi
4. Azim Gaddi, son of Usman Gaddi
5. Majid Gaddi, son of Usman Gaddi
6. Afsar Ali @ Afsar Gaddi, son of Subhan Gaddi

All are resident of village Pujaha Gadiyani, P.S. Shrinagar Pujaha, Distt. West Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate  
For the informant : Mr. Bimlesh Kumar Pandey, Advocate.  
For the Opposite Party/s : Mr. Chaubey Jawahar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      24-08-2017                      Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Shrinagar Pujaha P.S. Case No. 45 of 2017 instituted for the offence under Sections 341, 323, 324, 307, 447, 380, 427, 504, 354 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is case and counter case between the parties. The petitioner No. 1 lodged Shrinagar Pujaha P.S. Case No. 44 of 2017 and the instant case is counter blast of the aforesaid case.

The counsel for the informant has submitted that the



informant has sustained grievous injury which has been caused by petitioner No. 3.

As per written report, there is specific allegation that petitioner No. 3 assaulted the informant with Farsa on the head causing serious injury. The Doctor after C.T. Scan found depressed fracture injury of right parietal bone.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 3 namely, Ashmohamad Gaddi @ Ashmahamad Gaddi.

Prayer for anticipatory bail of petitioner No. 3, as named above, stands rejected. He may surrender before the court below and make prayer for regular bail.

So far as petitioner Nos. 1, 2, 4, 5 and 6 namely, Usman Gaddi, Subhan Gaddi, Azim Gaddi, Majid Gaddi and Afsar Ali @ Afsar Gaddi are concerned, there is general and omnibus allegation against them, prayer for anticipatory bail of the petitioner Nos. 1, 2, 4, 5 and 6 is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 2, 4, 5 and 6, named above, within six weeks from today, in connection with Shrinagar Pujaha P.S. Case No. 45 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 learned Chief Judicial Magistrate, Bettiah, West Champaran, 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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