

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41876 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -NAUTAN District- SIWAN

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1. Saddam Miyan @ Saddam Ali, Son of Atiullah Miyan,
2. Naushad Ali Son of Atiullah Miyan,
3. Irfan Miyan @ Md. Irfan Ali Son of Atiullah Miyan,
4. Atiullah Miyan @ Atiullah Son of Late Jokhan Miyan, All are R/o
village- Hasua, P.S.- Nautan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-09-2017

Heard learned counsel for the petitioners and the State.

It has been submitted on behalf of the petitioners that during pendency of this petition, petitioner No. 4 namely, Atiullah Miyan @ Atiullah has already been arrested.

Accordingly, prayer for anticipatory bail of petitioner No. 4 stands dismissed being infructuous.

So far as rest three petitioners are concerned; they apprehend arrest in Nautan P.S. Case No. 105 of 2017 instituted for the offence under Sections-323, 324, 504/34 of the Indian Penal Code.

It has been submitted that as per written report, there is specific allegation against petitioner No. 1 of assaulting the informant with sword on the head.



The injury report has been enclosed as Annexure-2 to this petition wherein the doctor has found cut injury over the left parietal region (as already stitched) and after X-ray in the supplementary report, the doctor found the injury to be grievous in nature as reads crack fracture of the mid parietal region.

Counsel for the petitioners has submitted that the allegation is of assaulting with sword but the doctor has opined that the injury is caused by hard and blunt substance.

It appears that the injury has been caused on the person of the informant as cut injury over the left parietal region (as already stitched) and after X-ray in the supplementary report, the doctor found the injury to be grievous in nature.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner No. 1. Accordingly, prayer for anticipatory bail of petitioner No. 1 is rejected.

The petitioner No. 1 is directed to surrender in the court below within four weeks from today and seek regular bail which will be considered on its own merit without being prejudiced by this order.

So far as petitioner Nos. 2 & 3 are concerned; there is general and omnibus allegation against them.

In such circumstances, prayer for anticipatory bail of petitioner Nos. 2 & 3 is allowed and it is ordered that the petitioner Nos. 2 & 3 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of



copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Nautan P.S. Case No. 105 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Siwan subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 2 & 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 Nos. 2 & 3 and (3) if petitioner Nos. 2 & 3 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 petitioner Nos. 2 & 3.

(Sanjay Priya, J)

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