

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56131 of 2017

Arising Out of PS.Case No. -62 Year- 2014 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Nabisher @ Kusum @ Nabisher Hussain, S/o Nazeer Hussain, R/o
Mohalla- Kamra, P.S.- Town, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Advocate.

For the Opposite Party/s : Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-11-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Town P.S.**
Case No. 62 of 2014 instituted for the offence under Sections 147,
341, 323, 324, 379, 325 and 307 of the Indian Penal Code.

There is allegation against the petitioner that he
assaulted the informant with iron rod.

Learned counsel for the petitioner has submitted that
there is no any injury on the person of the informant. This
submission gets support from the observation made by the learned
Sessions Judge in the impugned order wherein he has stated that
in the case diary no injury report is available. It has further been
submitted that the occurrence has taken place on account of



dispute with some Waqf property and due to this annoyance, the informant is set up by land mafia of the aforesaid Waqf Board.

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 **Town P.S. Case No. 62 of 2014**, 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, Muzaffarpur**, 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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