

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31873 of 2017

Arising Out of PS.Case No. -281 Year- 2017 Thana -BIHAR District- NALANDA
(BIHARSHARIFF)

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1. Md. Walil Khan @ Balil Khan
2. Md. Ali Khan &
3. Majo Khans

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.31874 of 2017

Arising Out of PS.Case No. -281 Year- 2017 Thana -BIHAR District- NALANDA
(BIHARSHARIFF)

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1. Md. Wakil Khan @ Wakil Khan Son of Late Rashid Khan, Resident of
Mohalla- Bari Dargah, P.S.- Bihar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.31873 of 2017)

For the Petitioner/s : Mr. Anand Mohan Prasad Mehta

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

(In Cr.Misc. No.31874 of 2017)

For the Petitioner/s : Mr. Anand Mohan Prasad Mehta

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 13-07-2017 Both the above-said petitions arise out of Bihar P.S.

Case No. 281 of 2017 registered under Sections-307, 336, 171(F)

& other minor sections of the Indian Penal Code as well as 27 of

the Arms Act, in which, petitioners apprehend their arrest and

accordingly, both the above-said petitions are being heard and



disposed of by this common order.

Heard learned counsels for the petitioners and the State.

It has been submitted on behalf of the petitioner that the dispute arose during election of ward commissioner and there was free fighting from both the sides. The patrolling Magistrate also filed a case against both rival groups and supporters vide Bihar P.S. Case No. 281 of 2017.

It is alleged in the instant written report that during election of ward commissioner, a dispute arose and the petitioners of Cr. Misc. No. 31873 of 2017 assaulted the members of the rival group with stone and bricks etc. and there is allegation against the petitioner in Cr. Misc. No. 31874 of 2017 that he assaulted the informant with iron rod on his head. The injury reports of all the injured persons have been annexed as Annexure-3 series (in Cr. Misc. No. 31873 of 2017) and injury report of Md. Sahid is annexed as Annexure-3 to Cr. Misc. No. 31374 of 2017. The doctor found all the injuries on the person of the injured to be simple in nature.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioners 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 Bihar P.S. Case No. 281 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif 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) 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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