

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34530 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -PARSA District- SARAN

- =====
1. Mojibul Rahman @ Mazibul Rahman, S/o Idrish Miyan,
 2. Mohtab Alam @ Mohatab Alam, S/o Idrish Miyan,
 3. Idrish @ Idrish Miyan @ Indhribh Miyan, S/o late Nabi Hasan Miya, all
resident of village- Bahar Marar, P.S. Parsa, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 22-08-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Parsa P.S.
Case No.53 of 2017 instituted for the offence under Section(s)
147, 148, 341, 323, 324, 325, 307 Indian Penal Code.

It has been submitted that there is case and counter
between the parties. In the counter case i.e. Parsa P.S. Case
No.54 of 2017 instituted against the informant and others by Md.
Azibul, who happens to be the brother of petitioner Nos.1 and 2
and son of petitioner No.3, injuries had been sustained by
petitioner No.1 and 2. Injury Report of Petitioner Nos.1 and 2
have been annexed as Annexure-4 series, which shows that
petitioner No.1 had sustained fracture in his leg and petitioner



No.2 sustained injury in his stomach.

In the instant case, there is allegation against the petitioners and other accused persons of assaulting the informant and his family members, but during investigation injury report of only two persons have been found, namely, Md. Khalid, elder brother of the informant and Md. Abul Hassan, father of the informant. Injury reports of both the injured have been annexed as Annexure-3 series.

There is no repetition of blow and injury was not found on any vital part of body. From the written report, it appears that there is no specific allegation against these petitioners of assaulting both the injured.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Parsa P.S. Case No.53 of 2017, they shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, 13th, Saran, Chapra, 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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