

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9221 of 2017

Arising Out of PS.Case No. -10 Year- 2016 Thana -PATHAMARI District- KISANGANJ

=====

1. MD. ANWARUL HAQUE @ ANWARUL HAQUE,
2. Md. Najir Hussain @ Najir Hussain,
3. Najimuddin @ Lal Miyan, All are S/o Wahid Hussain, Resident of
Abalgachhi Andabari, P.S.- Thakurganj, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Anil Kumar

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-02-2017 The petitioner is in custody since 21.09.2016 in connection with Pathamari P.S. Case No. 10 of 2016, registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 452 and 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the allegation against petitioner no. 1 is that he assaulted one Md. Sohail and petitioner no. 2 assaulted the informant's father but the injuries inflicted by both the petitioners are found to be simple in nature. As regards the allegation against the petitioner no. 3 that he assaulted the informant, which caused grievous injury to him, however all the petitioners have sufficiently been punished for the alleged offence as they are in custody since 21.09.2016.



Heard learned A.P.P. also.

Having heard both sides, in view of the that only general and omnibus allegations of assault has been levelled against petitioner no. 1 and 2, as such, let the petitioner nos. 1 and 2, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Pathamari P.S. Case No. 10 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to



move for cancellation of their bail bonds.

So far petitioner no. 3, namely, Najimuddin @ Lal Miyan is concerned, considering the facts and circumstances and the allegation against him, I am not inclined to grant petitioner no. 3, namely, Najimuddin @ Lal Miyan, the privilege of regular bail, at this stage, it is accordingly rejected.

However, petitioner no. 3, namely, Najimuddin @ Lal Miyan, may renew his prayer for bail before the court below itself, after framing of charge in this case and if any such application is filed, the same will be considered by the court below on the merit of case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

