

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18438 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -MORE District- DARBHANGA

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1. Md. Jami @ Jami, son of Ejharul Hassan

2. Faiyaz Hassan, son of Ejharul Hassan

3. Jugnu, son of late Ata Ahmad

All residents of village Ratanpura, P.S. Moro, Distt. Darbhanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-06-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Moro P.S.

Case No. 43 of 2016 instituted for the offence under Sections 147,

148, 149, 448, 341, 323, 324, 307, 379, 380, 504 and 506 of the

Indian Penal Code.

As per written report Md. Jami (petitioner No. 1)

assaulted the brother of the informant namely, Jauk Anjum on his

head with *Garansa*. Thereafter, Jugnu (petitioner No. 3) gave a

knife blow on the head of the brother of the informant. It is further

alleged that Faiyaz Hassan (petitioner No. 2) assaulted the

informant on his head with butt of the pistol.

Case diary has been received.



Learned A.P.P. has submitted that the Doctor has found one lacerated wound 3cm x 1/2cm x 1/2cm over occipital region of scalp and the patient was referred to PMCH for better treatment and opinion was kept reserved.

The injury found on the person of the injured supports the allegation against the petitioner No. 1 of giving *Garansa* blow on the head of the brother of the informant.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner No. 1.

Therefore, prayer for anticipatory bail of the petitioner No. 1, namely, Md. Jami @ Jami stands rejected. He may surrender before the court below and seek regular bail.

So far as petitioners No. 2 and 3 are concerned, since there is general and omnibus allegation against them, prayer for anticipatory bail of the petitioners No. 2 and 3 namely, Faiyaz Hassan and Jugnu, is allowed. In the event of surrender/arrest of the petitioners No. 2 and 3, named above, within six weeks from today, in connection with Moro P.S. Case No. 43 of 2016, 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 Additional Chief Judicial Magistrate-VIII, Darbhanga, 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.

S.Ali/-

(Sanjay Priya, J)

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