

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38800 of 2017

Arising Out of PS.Case No. -86 Year- 2017 Thana -AMDABAD District- KATIHAR

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1. Md. Nazir @ Nazir Hussain, son of late Sidique
 2. Md. Fazal @ Fazal Haque, son of Md. Najir
 3. Md. Kalu @ Md. Sagir, son of Md. Tajir
 4. Md. Munir @ Maniruddin, son of late Sidique
 5. Md. Ainuddin @ Anulin, son of late Sidique
 6. Md. Ajmal @ Azmal, son of Md. Ainuddin
 7. Bibi Jarina @ Jarina, wife of Tajir
- All resident of village Balua, P.S. Amdabad, Distt. Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Adcocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-08-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Amdabad P.S.

Case No. 86 of 2017 instituted for the offence under Sections 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is no any specific overt act against petitioner Nos. 1, 2, 3, 4, 5 and 7. There is allegation against petitioner No. 7 of assaulting husband of the informant namely, Azhar with Garansi on his head and he fell down. It has further been submitted that Azhar has been examined. The Doctor has found two injuries on the person of Azhar Ali on 12.6.2017 which was opined to be simple in nature (Annexure-3), while another Doctor, on 13.6.2017, has found two injuries which were grievous in



nature. Injury No. 1 was found on the scalp i.e. lacerated wound on frontal area measuring 5" x 1" include deep fresh bloody and injury No. 2 was incised wound below right eye size 2 ½" x 1/2" muscle deep.

In such circumstances, 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 Amdabad P.S. Case No. 86 of 2017, 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 Sri Dharmendra Singh, learned Judicial Magistrate, 1st Class, Katihar, 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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