

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15795 of 2017

Arising Out of PS.Case No. -54 Year- 2015 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Kalam Mian
2. Roz Mohammad
3. Islam Mian

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zaki Haider

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-04-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Kundwa Chainpur P.S. Case No. 54 of 2015 instituted for the offence under Sections-341, 323, 324, 504/34 of the Indian Penal Code and 3(i)(x) of SC/ST Act.

It has been submitted that in terms of order dated 01-03-2017 passed by a coordinate bench of this court, this application is being pressed.

From the written report, it appears that there is general and omnibus allegation against the petitioners of assaulting the informant with Lathi, Danda and abusing the informant by calling caste name.

It has been submitted that there is land dispute between the parties. From the allegation in the written report, it appears that there is no any specific allegation that petitioners abused and



assaulted the informant in a public place with view to humiliate him.

Accordingly, 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 four 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 Kundwa Chainpur P.S. Case No. 54 of 2015 to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikarahna at Dhaka, Motihari, East Champaran 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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