

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12637 of 2018

Arising Out of PS.Case No. -275 Year- 2017 Thana -BHARGAWAN District- ARRARIA

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1. Md. Jawed,
2. Md. Aslam
Both Sons of Md. Saghir, R/o Village- Sirsiya Kala, Ward No.3, P.S.-
Bhargama, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate.

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-03-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Bhargama**
P.S. Case No. 275 of 2017 instituted for the offence under
Sections 341, 323, 324, 307, 447, 379, 504 and 34 of the Indian
Penal Code.

Learned counsel for the petitioners has submitted that
the instant case has been filed on account of land dispute between
the parties. The Prosecution Party has forcibly grabbed the land by
erecting pillar, on account of which, occurrence took place
between the parties.

In the written report it is alleged that petitioner No. 1



assaulted the informant with *Dabia* on his head and allegation against petitioner No. 2 is that he assaulted the informant and when his brother along with his 1st wife came to rescue him, they were also assaulted by petitioner No. 2 with lathi and danda. It is further alleged that petitioner No. 1 took Rs.25,000/- from the pocket of the informant.

The injury report of the informant has been enclosed as Annexure-2 wherein the Doctor has found simple injury on the person of the informant.

Learned Sessions Judge has mentioned in the impugned order about the injury of the informant as mentioned in paragraph-12 of the case diary. He has not mentioned about any injury on the person of brother of the informant.

Considering the facts and circumstances of the case, 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 **Bhargama P.S. Case No. 275 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 **learned Chief Judicial Magistrate, Araria**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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