

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34403 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- POTHIA District- Kishanganj

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1. Riyaz
 2. Gajnafar Both son of Yusuf
 3. Shahid S/o Zubair @ Zuber Alam.
 4. Nuhaider @ Nuh Haider S/o Riyaz
 5. Matebul S/o Jafizul Rahman
 6. Taslim
 7. Shahan Shah 6 to 7 son of Hafizul Rahman
 8. Bashran Nisha @ Bashuran Nisha @ Bashuran, wife of Matibul Rahman, All are resident of Village- Nadiyagachh, Gagnati, P.S.- Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Pothia P.S. case no.
19 of 2018 instituted for the offence under Section(s) 341,
323, 504,506, 325, 379, 447/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
there is case and counter case between the parties. On account
of land dispute the instant case has been lodged. Learned
counsel for the petitioners has further submitted that counter
case has also been filed by petitioner no.2 bearing Pothia P.S.



case no. 1 of 2018 against the informant and 18 others. This Court finds that there is no any injury on the persons of the petitioner's side in the aforesaid counter case.

In the written report there is allegation that these petitioners forming an unlawful assembly assaulted the informant and his family members with sword, lathi, danda etc causing injury to the informant and his family members. It is submitted that Annexure-3 is the photo copies of injury reports of the injured in the instant case which shows that seven persons have sustained injuries.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner Nos. 1 to 7. Prayer for anticipatory bail of the petitioner Nos. 1 to 7 stands rejected.

The Petitioner Nos. 1 to 7 are directed to surrender before the Court below and make prayer for regular bail which shall be considered and disposed of, if possible on the same day, on its own merit in accordance with law without being prejudiced by the present order.

So far petitioner no.8, namely, Bashran Nisha @ Bashuran Nisha @ Bashuran is concerned, she is a lady. Therefore, this Court is inclined to grant her anticipatory bail.

In the facts and circumstances of the case, prayer of the



petitioner No. 8 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No. 8, named above, within six weeks from today in connection with Pothia P.S. case no. 19 of 2018, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) two sureties of the like amount each to the satisfaction of the ACJM 1st Kishanganj, 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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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