

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14663 of 2018

Arising Out of PS.Case No. -29 Year- 2017 Thana -MATIARIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Kalimullah Sai, S/o Tajmul Sah,
 2. Atiullah Sai, S/o Tajmul Sai,
 3. Nasim Sai, S/o Tajmul Sai,
 4. Firoj Sai, S/o Tajmul Sai,
 5. Tajmul Sai, S/o Late Dukhi Sai

All are R/o Village- Mehnaul Kala, P.S.- Matiyaria, Distt.- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Matiyariya P.S. Case No. 29 of 2017** instituted for the offence under Sections 148, 149, 323, 324, 307, 504, 506 and 379 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the instant case is a counter blast of Matiyariya P.S. Case No. 28 of 2017 lodged by petitioner No. 4 against the prosecution party in which all the petitioners have sustained injuries including fracture and they have been referred to M.J.K. Govt. Hospital Bettiah after



getting treatment at PHC Shikarpur.

In the instant case allegation against co-accused Jalaluddin Sai is of assaulting nephew of the informant with *Farsa* on his head causing injury over his eye. Thereafter, these petitioners along with other co-accused persons came with iron rod, *lathi* etc. and assaulted the informant.

The injury report of nephew of the informant has been enclosed as Annexure-4 series wherein the Doctor has found injury on the person of nephew of the informant to be simple in nature caused by hard and blunt substance. The petitioner has also enclosed injury report of other injured as Annexure-4 series which are simple in nature.

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 **Matiyariya P.S. Case No. 29 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 B. Ram, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran**, 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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