

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12036 of 2018

Arising Out of PS.Case No. -511 Year- 2017 Thana -BIHPUR District- BHAGALPUR

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1. Sandip Malakar @ Sandip Kumar @ Satyabart,
2. Saurabh Malakar @ Saurabh Kumar
Both S/o Surendra Malakar, R/o village- Chakrami, P.S.- Bihpur
(Bhawanipur O.P.), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhoy Kumar Kashyap, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-04-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Bihpur P.S.**
(Bhawanipur O.P.) Case No. 511 of 2017 instituted for the
offence under Sections 147, 148, 149, 341, 323, 447, 448, 379,
307, 506 and 504 of the Indian Penal Code.

In the *Fard-e-beyan* there is allegation against
petitioner No. 1 that he assaulted the informant with Iron rod on
the head causing fracture injury and petitioner No. 2 assaulted
Gajendra Sharma with Axe on his head with intention to kill him.

Learned counsel for the petitioners has submitted that
in the case diary further statement of the informant has been



recorded wherein he has given totally different story. He has alleged in his further statement that Sumit Malakar assaulted on his head whereas Digambar Malakar assaulted Gajendra Sharma with Axe on his head. Similar statement has been made by wife of the informant in paragraph-8 of the case diary. It has further been submitted that initial injury report of Gajendra Sharma is dated 29.11.2017 in which the opinion was kept reserved but he was further examined on 18.12.2017 wherein the injuries sustained by him is shown to be grievous in nature.

Learned A.P.P. after perusing the case diary has not contradicted the submission made by the petitioner.

In such circumstances, there is contradiction in the statement of the informant made in the *Fard-e-beyan* and in his further statement.

Learned counsel for the petitioner has submitted that other co-accused Digambar Malakar and Sumit Malakar have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 27.02.2018 passed in Cr. Misc. 11956 of 2018.

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 **Bihpur (Bhawanipur)**



P.S. Case No. 511 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, Bhagalpur**, 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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