

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57359 of 2017

Arising Out of PS.Case No. -181 Year- 2016 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Zafar Imam, Son of Late Sk. Yaqoob,
2. Afsar Imam, Son of Zafar Imam,
3. Raisul Azam, Son of Sk. Aaqil, All residents of Village- Deorwa, Police
Station- Lauriya, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-01-2018

Heard learned counsel for the petitioners and the State.

At the very outset, learned counsel for the petitioners has submitted that during pendency of this application, petitioner No. 1 has already been arrested.

Accordingly, prayer for anticipatory bail of petitioner No. 1 stands dismissed as withdrawn.

Rest two petitioners apprehend arrest in Lauriya P.S. Case No. 181 of 2016 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code and 27 of the Arms Act.

There was free fight between the parties. A counter case bearing Lauriya P.S. Case No. 183 of 2016 has been filed against the informant and others in which one of the co accused Md. Kausar Alam



has sustained grievous injury and Md. Sonu has sustained simple injury.

In the instant case, there is allegation that Md. Jafar Imam ordered to kill the informant and also made firing. It is alleged that all these petitioners assaulted the informant and his family members causing injury to them.

The case diary has been received wherein injury report of all the injured are available. All the injuries are said to be simple in nature. The injury report of uncle of informant Gufran Ahmed is available in the case diary wherein firstly the said injury was said to be simple in nature and after expert opinion, he has opined the said injury to be grievous in nature. The other co-accused namely, Kausar Alam with similar allegation has been granted anticipatory bail by this court vide order dated 13-12-2017 passed in Cr. Misc. No. 58489 of 2017.

Counsel for the informant has appeared and opposed the prayer for anticipatory bail.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner Nos. 2 & 3 named above in the event of their arrest or surrender in the court below within six 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 in Lauriya P.S. Case No. 181 of 2016 to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah 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) petitioner Nos. 2 & 3 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 liable to cancel bail bond of the petitioner Nos. 2 & 3 and (3) if petitioner Nos. 2 & 3 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 petitioner Nos. 2 & 3 .

(Sanjay Priya, J)

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