

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.796 of 2018**

Arising Out of PS. Case No.-39 Year-2017 Thana- MANSAHI District- Katihar

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1. Md. Nizam S/o Late Abu Bakar
  2. Abdul Mannan S/o Late Abu Bakar
  3. Anisur Rahman S/o-Abdul Mannan
  4. Md. Umar @ Umar Ali @ Umar Ali, S/o Late Tafzul, ll are R/o- Chitauria, P.S.-Mansahi, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh  
For the Opposite Party/s : Mr. RAMCHANDRA SINGH

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      13-02-2018              Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset the learned counsel for the petitioners prays for withdrawal of the anticipatory bail application of the petitioners no. 1 and 3 with liberty to surrender and approach the concerned court for grant of regular bail.

Permission is granted and the present petition as far as the petitioners no. 1 and 3 are concerned, is dismissed as withdrawn.

It is further directed that in case the petitioners no. 1 and 3 approach the concerned court and surrender within a period of four weeks from today, the regular bail petition of the said



petitioners will be considered on its own merit considering the fact that the present case is a case arising out of case and counter case.

Now, coming to the merits of the case, it appears that the accused persons, 13 in all, had with the intention of grabbing the land of the informant side gone to the place of occurrence and had indulged in assaulting the prosecution side resulting in various types of injuries to the members of the prosecution side.

The learned counsel for the petitioners submits that as far as petitioner no. 2 Abdul Mannan is concerned, the allegation is with regard to inflicting injury on one Gul Ara, however, the said injury has been found to be simple in nature. It is further submitted that as far as the petitioners no. 3 and 4 are concerned, they are said to have inflicted injury on Md. Naim, however, only one injury on the said injured person has been found to be grievous in nature and since the petitioner o. 4 is an aged person, it is not probable that he would have inflicted the said grievous injury, hence the present anticipatory bail petition has not been pressed as far as petitioner no. 3 is concerned and present anticipatory bail petition is being pressed only with regard to the petitioner no. 4.

Having regard to the facts and circumstances of the case as



also the fact that the petitioners no. 2 and 4 have not been found to have inflicted grievous injuries on the injured persons and are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 2 and 4 herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Mansahi P.S. Case No. 39 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is directed that the petitioners would mark their attendance before the Officer-in-Charge of the concerned Police Station at 10:00 A.M., on each Monday of the week and in the event of two consecutive defaults, the present privilege of anticipatory bail shall stand cancelled automatically.

**(Mohit Kumar Shah, J)**

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