IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7060 of 2018

Arising Out of PS.Case No. -56 Year- 2016 Thana -ASHOK PAPER MILL District- DARBHANGA

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1. Md. Jahangir Sah, S/o Md. Mustakim Sah @ Md. Mustakim,
2. Md. Mustakim Sah @ Md. Mustakim, S/o Halim Sah, both resident of Vill/Mohalla- Chandan Patti, P.S.- A.P.M (Pator O.P.), Distt.- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Dilip Kumar, APP
For the Informant : Mr. Hemant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 10-05-2018 Heard learned counsel for the petitioners and learned APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **APM P.S. Case No.56 of 2016** instituted for the offence under Section(s) 147, 148, 447, 341, 323, 307, 354(b), 379, 504 Indian Penal Code.

Counsel for the informant has submitted that informant has died after the occurrence and he is representing the son of the informant.

By order dated 20.03.2018, a report was called for from the Court below whether police has made any request for adding Section 302 Indian Penal Code, which has been received, wherein, the Court below has stated that no application has been filed either on behalf of the informant or on behalf of the

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Investigating Officer for adding Section 302 Indian Penal Code.

Counsel for the petitioners has submitted that in the written report there is allegation of assaulting the informant against Md. Mahboob Sah, who is not the petitioner today in this application. He has further submitted that petitioners are alleged to have assaulted the son of the informant, namely, Md. Sohail and Md. Tufail with iron rod.

Injury reports of both the injured Md. Sohail and Md. Tufail have been annexed as Annexure-3, wherein, doctor has found simple injury on their person.

Learned counsel for the petitioners has further submitted that there is case and counter case. Counter case has been filed by the mother of petitioner No.1 and wife of petitioner No.2 against the informant and others in which petitioner No.1 has also sustained injury. Injury Reports from the petitioners' side in the aforesaid counter case have been enclosed as Annexure-4.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **APM P.S. Case No.56 of 2016**, they shall be released on anticipatory bail on furnishing

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bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, VI, Darbhanga,** 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 bonds 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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