

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18349 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Md. Hakim, S/o Md. Matin,
2. Md. Qayum, S/o Md. Matin,
3. Shakil Akhtar, S/o Md. Matin,

All are R/o Chilmara, P.S.- Muffasil, Distt- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Muffasil P.S.**
Case No. 09 of 2018 instituted for the offence under Sections 341,
323, 325, 307, 504, 120(B) and 506/34 of the Indian Penal Code.

In the written report it is alleged that petitioner No. 1
assaulted the informant with iron rod on his head. It is further
alleged that other co-accused persons also assaulted the informant
with Hockey Stick, iron rod etc.

Case diary has been received.

The injury report is available in the case diary. The
learned A.P.P. has submitted that injury on the head of the



informant was found to be grievous in nature. The other injuries were simple in nature.

There is specific allegation in the written report against the petitioner No. 1 namely, Md. Hakim of assaulting the informant with iron rod on his head causing serious injury to him.

Therefore, prayer for anticipatory bail of petitioner No. 1 namely, Md. Hakim stands rejected.

So far petitioner Nos. 2 and 3 are concerned, there is general and omnibus allegation against them. Therefore, prayer for anticipatory bail of the petitioner Nos. 2 and 3 namely, Md. Qayum and Shakil Akhtar, is allowed. In the event of surrender/arrest of the petitioner Nos. 2 and 3, named above, within six weeks from today, in connection with **Muffasil P.S. Case No. 9 of 2018**, 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 **Shri Dharmendra Singh, learned Judicial Magistrate, 1st Class, Katihar**, 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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