

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15283 of 2018**

Arising Out of PS.Case No. -229 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Md. Kaisar,  
2. Md. Murad,  
Both Sons of Late Md. Abdullallah, R/o Village- Saidpur, Ganesh , P.S.-  
Bidupur, District- Vaishali.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anish Chandra, Advocate.

For the Opposite Party/s : Mr. Umeshnand Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4      26-04-2018                      Heard learned counsel for the petitioners and the  
  
State.

The petitioners apprehend their arrest in **Desari P.S.**  
**Case No. 229 of 2017** instituted for the offence under Sections  
147, 148, 149, 341, 323, 324, 325, 307, 120(B), 354 of the Indian  
Penal Code, read with Sections 25(1-b)a, 26 and 35 of the Arms  
Act.

In the instant case there is allegation that these  
petitioners along with other accused persons assaulted the husband  
of the informant Md. Abdullah causing injury to him.

Learned counsel for the petitioners has submitted that  
there is case and counter case between the parties. The informant



and her family members with collusion of other anti social elements forcibly wants to grab the land of petitioners and when petitioners protested, the informant and her family members brutally assaulted the petitioners and their father Md. Abdullah on account of which, he died, for which, Desari P.S. Case No. 230 of 2017 has been registered. The petitioners have also sustained multiple injuries caused by the informant and her family members and they were treated in P.M.C.H. Patna. Photocopy of Medical prescription has been enclosed as Annexure-3. It has further been submitted that other co-accused persons have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 10.11.2017 passed in Cr. Misc. 53772 of 2017 (Annexure-4).

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 **Desari P.S. Case No. 229 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 **Sub Judge-3<sup>rd</sup> cum A.C.J.M. IInd, Vaishali at Hajipur**, 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.

S.Ali/-

**(Sanjay Priya, J)**

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