

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15235 of 2018

Arising Out of PS. Case No.-136 Year-2016 Thana- KEOTI District- Darbhanga

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1. ALI REZA @ MD. ALI REZA @ ALI RAZA, S/o Late Manzoor ,
 2. Md. Neyaz @ Md. Neyaz Ahmad @ Neyaz S/o Jubair @ Javed,
 3. Md. Sitare @ Abdullah S/o Aley Hasan, All are R/o Village- Barhi Pokhar Tola, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi
For the Opposite Party/s : Mr. Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Keoti P.S. case no. 136 of 2016 instituted for the offence under Section(s) 147,149,341,323,324, 379,354, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is injury on both sides. There is case and counter case between the parties. It is further submitted that police has not sent up the petitioners for trial but cognizance has been taken against the petitioners by the Court below. It is alleged in the written report that on the date of occurrence the daughter-in-law of the informant was caught hold by petitioner no.1 while she was



returning back from Moharram fair. But, she somehow returned back to home and narrated the entire incident to the informant. Thereafter, when the informant made complaint all the accused persons came to the house of informant and started abusing her. Further, it is alleged that petitioners assaulted the informant with lathi and danda, on account of which, the informant fell down on the ground. It is further alleged that the accused persons entered into the house of the informant and took away the entire articles of her daughter-in-law.

The case diary has been received wherein the injury report of the informant is available which shows that doctor has found calcification bilateral ganglia/dentate nucleus. Undisplaced fracture left frontal bone. The injury was found to be grievous in nature. There is specific allegation against petitioner no.1, namely, Ali Reza @ Md. Ali Reza @ Ali Raza of assaulting the informant with Garsa causing head injury which was found to be grievous in nature.

Learned counsel for the informant has appeared and submitted that further statement of informant has been recorded in para 6 of the case diary wherein she has supported the case and levelled specific allegation against petitioner no.1 of assaulting her on the head with Garasa causing serious injury.



Learned counsel for the petitioners submits that other witnesses have stated that the injured sustained injury during stone pelting. This Court finds that victim in the written report as well as in her further statement had levelled specific allegation against petitioner no.1 which also get support from the injury report.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner no.1. Prayer for anticipatory bail of the petitioner no.1, Ali Reza @ Md. Ali Reza @ Ali Raza stands rejected.

Petitioner no.1 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of, if possible on the same day on its own merit in accordance with law without being prejudiced by the present order.

So far as allegation against other accused persons are concerned, there is general and omnibus allegation that they have assaulted with lathi and danda.

In the facts and circumstances of the case, prayer of the petitioner no.2 and 3 for grant of anticipatory bail 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 Keoti P.S. case no. 136/16, 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 the learned ACJM-VII, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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