

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40700 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- NARPATGANJ District- Araria

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1. Md. Gulab, S/o Md. Nasir,
 2. Md. Mehtab S/o Md. Nasir,
 3. Md. Nasir S/o Late Gafoor,
 4. Bibi Khalikun Nisa W/o Md. Nasir, All residents of Vill.- Fatehpur, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma
For the Opposite Party/s : Mr. Sri Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

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

Petitioners apprehend their arrest in Narpatganj P.S. case no. 60 of 2018 instituted for the offence under Section(s) 147,148,149,448, 341, 323, 324, 307, 354-B and 504 of the Indian Penal Code.

In the written report, it is alleged that petitioner no.1 gave farsa blow on the head of Md Faisal causing head injury. Petitioner no.2 is alleged to have given farsa blow on the head



of Dilshad causing head injury and Petitioner no.4 is alleged to have assaulted with iron rod on left eye of Mojib who sustained grievous injury. There is no any allegation of specific assault against petitioner no.3.

There is specific allegation of assault against petitioner nos. 1, 2 and 4. Therefore, this Court is not inclined to grant anticipatory bail to petitioner nos. 1, 2 and 4. Prayer for anticipatory made on behalf of petitioner nos. 1,2 and 4 stand rejected.

Petitioner nos. 1,2 and 4 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

There is no specific allegation of assault against Md. Nasir (petitioner no.3). Therefore, this Court is inclined to grant anticipatory bail to petitioner no.3.

In the facts and circumstances of the case, prayer of the petitioner no.3, namely Md. Nasir for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner no.3, namely Md. Nasir, within six weeks from today in connection with Narpatganj P.S. case no. 60 of 2018, GR No. 338 of 2018 he shall be released on anticipatory bail on furnishing bail bond



of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Araria, 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) petitioner 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 petitioner and (3) if petitioner 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 petitioner.

(Sanjay Priya, J)

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