

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56246 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -SIRDALA District- NAWADA

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1. Md. Shahid, S/o Md. Habib,
2. Md. Shamsher Alam, S/o Md. Satar,
3. Md. Moiz Alam S/o Munno Mallick @ Muiuddin, All are R/o village-
Upaardih (Bhatbiga), P.S.- Sirdalla, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 23-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Sirdala P.S. Case No. 61 of 2017 instituted for the offence under Sections-147, 148, 149, 341, 323, 436, 379, 354(B), 307, 427 of the Indian Penal Code and later on Section 302 of the IPC has also been added.

Petitioner nos. 2 and 3 are not named in the F.I.R.. Their names have come during supervision.

As per written report, allegation against petitioner no. 1 is of assaulting Munni Prasad along with other co-accused. The statement of Munni Prasad has been recorded in para-8 of the case diary wherein, he has stated that petitioner no. 1 along with eight other accused persons, armed with deadly weapons, brutally assaulted him causing scalp injury. Injury report of Munni Prasad has been enclosed in the case diary wherein, doctor has found the nature of injury grievous



caused by hard and blunt substance.

In such circumstances, prayer for anticipatory bail of petitioner nos. 2 and 3 is allowed and it is ordered that the petitioners namely, Md. Shamsheer Alam and Md. Moiz Alam in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sirdala P.S. Case No. 61 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Nawadah subject to condition as laid down u/S 438(2) of the 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 petitioner 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.

So far as, petitioner no. 1, namely, Md. Shahid is concerned, this Court is not inclined to grant him anticipatory bail. Accordingly, his prayer for anticipatory bail stands rejected.

(Sanjay Priya, J)

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