

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2307 of 2018

Arising Out of PS.Case No. -299 Year- 2017 Thana -KODHA District- KATIHAR

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1. SHAHNAWAZ @ SAHBAZ @ MD. SHAHWAZ, son of Md. Yunus @ Yunus Hafiz @ Yunus, resident of Marghi, P.S.- Korha, District- Katihar.
 2. Shamshad @ Md. Shamsad, son of Israil, resident of Parasbanni, P.S.- Sarsi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-01-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Korha P.S.**

Case No.299 of 2017 instituted for the offence under Section(s)
341, 323, 379, 325, 307/34 Indian Penal Code.

Counsel for the petitioners has submitted that there is allegation in the written report that these petitioners along with two other persons, as mentioned in the written report, assaulted the informant with lathi and Danda on the head causing injury to him.

Copy of the Injury Report has been produced by the informant during course of hearing of the bail application, wherein, doctor has found only one lacerated wound on the



center of the head 1" x 1/6" x 1/12" and multiple fracture of left ulna.

It appears that there is allegation against four persons of assaulting, but the doctor has found only one injury on the head. There was no repetition of blow and no any specific allegation has been levelled against anybody with regard to assault.

It has been submitted that petitioners have clean antecedents.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Korha P.S. Case No.299 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 the **Chief Judicial Magistrate, 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 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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