IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44060 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- BAUSI District- Purnia

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1. Md. Afaque Alam, S/o Late Tashdush Hussain,
2. Tahjeeb Alam S/o Md. Afauqe Alam,
3. Sanowar Alam @ Sanowar S/o Mozib,
4. Tousif Alam @ Tousif S/o Md. Afaque Alam,
5. Ajwar Alam @ Md. Akbar S/o Mozib, All R/o Vill.- Similiya, P.S.- Baisi , District- Purnea.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar
For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Baisi P.S. case no. 83 of 2018 instituted for the offence under Section(s) 323,341, 324, 307, 379, 504/34 of the Indian Penal Code .

Learned counsel for the petitioners has submitted that land dispute is going on between the parties. It has further been submitted that petitioner no.1 has also instituted a case on 13.4.2018 for the offence under Sections 323, 341 307,379 and 504/34 of the IPC vide Baisi P.S. case no. 88 of 2018 against the informant and others. In the instant case the allegation against petitioner no.1 is that he assaulted the informant on the head

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with Farsa. There is general and omnibus allegation against other petitioners. The injury report of the informant is annexed as Annexure-3. The learned Sessions Judge Purnea has also mentioned in the impugned order the injury report of the informant which shows that he has sustained only abrasion on the forehead, cheek and left hand.

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 Baisi P.S. case no. 83 of 2018, G.R. No. 1101 of 2018 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 CJM Purnea, 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,

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prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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