

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25374 of 2018

Arising Out of PS.Case No. -853 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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1. MD. MASUD SULTANI @ MASHUDUL HAQUE @ MD. MASAHUDUL HAQUE, son of late Sohrab Sultani, resident of Village- Lalganj, P.S. K.Hat (Maranga), District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, APP

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 25-06-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **K. Hat (Maranga) P.S. Case No.853 of 2017** instituted for the offence under Section(s) 341, 323, 324, 307, 506/34 Indian Penal Code.

Counsel for the petitioner has submitted that petitioner is the owner of the land, in question, which he had purchased in the year 2003 by registered sale deed and is coming in peaceful possession over the same since the date of purchase. Informant of this case was causing disturbance in peaceful possession of the property. Earlier, a proceeding under Section 107 Cr. P.C. was also initiated between the parties. Counsel for the petitioner has further submitted that prior to institution of this



case petitioner had also filed a case against the informant vide K. Hat P.S. Case No.137 of 2015 in which informant and others had assaulted the petitioner.

In the written report, there is allegation that this petitioner assaulted the son of the informant with spade causing injury on his head.

Case diary was called for, which has been received. Injury report is available in the case diary, wherein, doctor has found one lacerated wound $\frac{1}{4}$ " x $\frac{1}{4}$ " x $\frac{1}{4}$ " on parietal region and opinion was kept reserved. From the injury report, it is clear that there is no repetition of blow on the person of the injured.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **K. Hat (Maranga) P.S. Case No.853 of 2017**, 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 **Chief Judicial Magistrate, 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) petitioner shall



cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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.

JA/-

(Sanjay Priya, J)

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