

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1389 of 2018

Arising Out of PS.Case No. -41 Year- 2018 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Md. Kudus, Son of Late Md. Sahid
2. Md. Irshad
3. Md. Sadab
Both sons of Md. Kudus
4. Md. Raja
5. Md. Badsah @ Md. Basa @ Basa
Both sons of Md. Wahab
6. Md. Chand Painter, Son of Md. Kamruddin
All residents of Village/Mohalla- Bari Dargah, Naya Tola, P.S.- Bihar,
District- Nalanda.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate.

For the Respondent/s : Smt Usha Kumari No-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-05-2018 Heard learned counsel for the Appellants and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned
order dated 23.03.2018 passed by **Sri Shashi Bhushan Prasad
Singh, 1st Additional Sessions Judge-cum-Special Judge,
Nalanda at Bihar Sharif** in connection with **Bihar P.S. Case No.
41 of 2018** registered for the offence under Sections 147, 148,
149, 341, 448, 323, 504, 326, 337, 338, 307 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3 (i) (r) (s) of



SC/ST Act by which the prayer for anticipatory bail of the Appellants has been rejected.

It has been submitted that Appellants have no criminal antecedent. The instant case has been filed as counter Blast of Bihar P.S. Case No. 40 of 2018 filed by Md. Mano in which two persons namely Md. Naushad and Tufail have sustained gun shot injury. They were rushed to Sadar Hospital in critical condition. The aforesaid First Information Report has been enclosed as Annexure-3. The injury sustained from the side of the Appellants has been enclosed as Annexure-2. It has further been submitted that instant case has been filed to save the skin from counter case filed by Md. Mano. There is general and omnibus allegation against the Appellants.

It is alleged that in the instant case Soni Paswan and Lila Devi have sustained injury. The injury report of Lila Devi has been enclosed as Annexure 2/1 wherein the Doctor has found simple injury on her person. It is mentioned in paragraph-8 of the bail petition that no injury was found on person of injured Soni Paswan.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order 23.03.2018 passed by **Sri Shashi Bhushan Prasad Singh, learned 1st Additional Sessions**



Judge-cum Special Judge, Nalanda at Bihar Sharif in connection with **Bihar P.S. Case No. 41 of 2018** is hereby set aside.

Let the Appellants above named in the event of surrender/arrest within six weeks from today, in connection with **Bihar P.S. Case No. 41 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 **Sri Shashi Bhushan Prasad Singh, learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharif**, 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) Appellants shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if Appellants 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 Appellants.

(Sanjay Priya, J)

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