

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21930 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- KISHANGANJ District- Kishanganj

1. Mazahirul Bari @ Mazahirul,
2. Mujaffar Hussain @ Mujaffar
3. Imtiyaz All three Sons of Late Nawazis Hussain, R/o Tengarmari, P.O.- Gachapara, P.S. and District- Kishanganj.
4. Majahid Alam S/o Late Shahabuddin, R/o Tengarmari, P.O.- Gachapara, P.S. and Dist.Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Giri, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Pd. ,APP
For the informant	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioners and learned APP
for the State and the counsel for the informant.

Petitioners apprehend their arrest in Kishanganj P.S. case no. 52 of 2018 instituted for the offence under Section(s) 341, 323, 324, 447, 448, 325, 307 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is case and counter case between the parties. Petitioner No.1 has



also instituted an First Information Report against the informant and his family members vide Kishanganj P.S. Case No.53 of 2018. The occurrence has taken place due to land dispute at the time of measurement of land by the *Amin*. There is specific allegation against petitioner No.2, namely, Mujaffar Hussain @ Mujaffar of assaulting the brother of the informant, namely, Irfan Alam, on account of which, he sustained grievous injury. The injury report of Irfan Alam has been enclosed as Annexure-6 series to the bail petition. It is alleged that other accused persons has also sustained injury from the informant's side but all the injuries on their persons have been found to be simple in nature.

Learned counsel for the petitioners has enclosed injury report of the person of the petitioners' side which shows that petitioner No.2 has sustained injuries in the occurrence. But the injuries are found to be simple in nature. There is specific allegation against petitioner No.2 of assaulting the brother of the informant Irfan Alam with *Kudal* and the doctor has found the injuries to be grievous in nature. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner no. 2, namely, Mujaffar Hussain @ Mujaffar . Prayer for anticipatory bail of the petitioner No.2 stands rejected.



Petitioner no.2 may surrender before the Court below and make prayer for regular bail.

So far as allegation against petitioner nos. 1, 3 and 4 are concerned, they are said to have assaulted the other family members of the informant but all the injuries have been found to be simple in nature.

In the facts and circumstances of the case, prayer of the petitioner nos.1, 3 and 4 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 3 and 4, named above, within six weeks from today in connection with **Kishanganj P.S. case no. 52 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 learned **Chief Judicial Magistrate, Kishanganj**, 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)

shyambihari/-

U		T	
---	--	---	--

