

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44836 of 2018**

Arising Out of PS.Case No. -112 Year- 2017 Thana -SAHKUND District- BHAGALPUR

- =====
1. Md. Amir @ Md. Amir Khan,
  2. Md. Kalimur Rahman @ Umar Khan,
  3. Md. Zafar,
  4. Md. Kabo, Petitioner Nos. 1 to 4 are sons of Abdul Rahman @ Abdul Rahman Khan,
  5. Abdul Rahman @ Abdul Rahman Khan, S/o Md. Ekram,
  6. Md. Abrar @ Md. Abrar Khan, S/o Late Aftab, All R/o Village- Juakhar, P.S.- Shahkund, District- Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 31-08-2018

Heard learned counsel for the petitioners and learned

APP for the State.

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

**Case No.112 of 2017** instituted for the offence under Section(s)  
323, 324, 341, 307, 448, 504, 506/34 Indian Penal Code.

Counsel for the petitioners submits that instant case is counter blast of Shahkund P.S. Case No.113 of 2017 lodged by petitioner No.5 for the same occurrence against the informant and others. There is land dispute between the parties. The informant and petitioner No.5 are own brothers and petitioner Nos.1 to 4 are nephews. They have no criminal antecedents.



In the written report, there is allegation that all these petitioners have assaulted with *lathi*, sword etc. causing injury to Mujibur Rahman, Meharbaan and Rabiya Khatoon.

Injury report of all the three injured of the instant case have been enclosed as Anneure-4 series, which shows that opinion with regard to injuries of Mujibur Rahman and Meharbaan have been kept reserved. Learned APP submits that one of the injury of Meharbaan was found to be grievous, which was on the left hand.

Counsel for the petitioners submits that in the counter case injuries have been sustained from the petitioners' side also. Injury report of the petitioners' side is annexed as Anenxure-2 from which it appears that Md. Umar Khan and Md. Rahman have sustained injuries.

In this manner, it appears that there was free fight between the parties and injuries have been sustained from both sides.

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 **Shahkund P.S. Case No.112 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 **Sub-Divisional Judicial Magistrate, Bhagalpur**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds 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)

JA/-

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