

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4568 of 2018

Arising Out of PS.Case No. -309 Year- 2017 Thana -GOGRI District- KHAGARIA

- =====
1. Anwari Khatoon, W/o Md. Muslim,
 2. Md. Muslim, S/o late Islam, both R/o Village- Muskipur, Ward No. 10,
P.S.- Gogri, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-03-2018

Heard learned counsel for the petitioners and learned

APP for the State.

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

Case No.309 of 2017 instituted for the offence under Section(s)
302/34 Indian Penal Code.

In the written report, it is alleged that on the date of occurrence petitioner no.2 caught hold the son of the informant and petitioner no.1 assaulted the son of the informant with iron rod on the head and he fell down. It is further alleged that other accused persons also assaulted the son of the informant, who ultimately died on account of the injuries.

Case diary has been received, wherein, post mortem report is available and the doctor has opined that death has been caused due to compression of brain and shock.



In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner no.1-Anwari Khatoon.

Prayer of the petitioner no.1-Anwari Khatoon for grant of anticipatory bail is **rejected**.

So far petitioner no.2, Md. Muslim, is concerned, there is general and omnibus allegation against him that he caught hold the son of the informant.

In the facts and circumstances of the case, prayer of the petitioner no.2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner no.2, named above**, within six weeks from today in connection with **Gogri P.S. Case No.309 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, Khagaria**, 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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