

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10424 of 2018

Arising Out of PS.Case No. -405 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. Md. Ziyaul, S/o Late Jakir, R/o Village- Rahimpur, Khabadah, P.S.- Narpatganj, Distt.- Araria.
 2. Md. Ezaz S/o Md. Ziyaul, R/o Village- Rampur, Khabdah, P.S.- Narpatganj, Distt.- Araria.
 3. Md. Adil S/o Md. Ziyaul, R/o Village- Rahimpur, Khabdah, P.S.- Narpatganj, Distt.- Araria.
 4. Md. Imtiyaz @ Imtiyaz S/o Md. Ziyaul, R/o Village- Rahimpur, Khabdah, P.S.- Narpatganj, Distt.- Araria.
 5. Md. Wakil S/o Late Md. Immamudin , R/o Village- Rewahi, P.S.- Narpatganj, Distt.- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in Narpatganj P.S. Case
No.405 of 2017 for the offence under Sections 147, 149, 341, 323,
307, 379 and 504 of I.P.C.

In the written report petitioner no.1 is said to be order
giver and assaulted daughter of the informant, namely, Samsha by
farsa causing injury on her head. The allegation against petitioner
no.2 is of assaulting Md. Nazim who is second son-in-law of the
informant, with farsa causing injury on his head and right leg.



There is no allegation of assault against petitioner no.3. Petitioner no.4 gave farsa blow on the head of the second son of the informant, Sahid, petitioner no. 5 is alleged to have caused injury with arrow to Md. Saijun who is son -in-law of the informant.

It has been submitted that both the parties are agnates. There is land dispute between the parties. The informant and petitioner no.1 are full brothers and rest are either nephew or close relatives. It is also submitted that there is case and counter case between the parties. Five persons from the petitioners' side have also received injuries for which separate case has been filed. The injury report of those injured have been annexed as Annexure-6 series.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Araria, in Narpatganj P.S.Case No.405 of 2017 subject to the conditions as laid down



under Section 438(2) of 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 co-operate 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 bonds 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)

AnilKrSinha/-

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