

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27872 of 2019

Arising Out of PS. Case No.-80 Year-2018 Thana- BALRAMPUR District- Katihar

1. Azad Ali, Aged about 60 years Gender Male Son of Late Md. Mohar Ali
2. Mainur Haque @ Mainul @ Maimul @ Maimul Haque Aged about 35 years Gender Male Son of Azad Ali
3. Amir, Aged about 40 years Gender Male, Son of Nurul Haque
All are resident of Jhotiyapir, Police Station- Balrampur, District- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-04-2019 Learned counsel for the petitioners submits that the petitioner no. 1, namely, Azad Ali has already been arrested and as such his application has become infructuous.

2. As prayed, the anticipatory bail petition, as against petitioner no. 1, namely, Azad Ali, is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the petitioner nos. 2 and 3 and learned APP for the State.

4. Petitioner nos. 2 and 3 apprehend their arrest for the offences alleged under Sections 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code registered in connection with Balrampur P.S. Case No. 80 of 2018.

5. It is submitted that the petitioner nos. 2 and 3 have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties, who are agnates. The petitioners are said to have assaulted the informant's father Afasar Ali by lathi but the injury report does not disclose that the injuries are



grievous in nature. Petitioner nos. 2 and 3 claim clean antecedents.

6. Be that as it may, in the event of arrest or surrender of petitioner nos. 2 and 3 before the court below within six weeks from the date of communication of this order, let them be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur P.S. Case No. 80 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

7. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned court below that none of the injuries sustained by the informant's side is grievous in nature, failing which their bail bonds shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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