

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77301 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- MALI District-
Aurangabad

- =====
1. Abdul Qadir @ Md. Quadir Son of Abdul Sattar Ansari @ Abdul Sattar
 2. Md. Tahir Hussain @ Md. Abdul Tahir @ Abdul Tahir Son of Abdul Sattar Ansari @ Abdul Sattar
 3. Md. Dhannu @ Dhannu, Son of Abdul @ Wahab,
 4. Md. Nazir Hussain @ Md. Najir @ Md. Njir, Son of Abdul Sattar Ansari @ Abdul Sattar
 5. Md. Shahbaz Ahmad @ Md. Shahbaz, Son of Abdul Tahir,
 6. Abdul Wahab @ Md. Wahab, Son of Abdul Sattar Ansari @ Abdul Sattar
- All are Resident of Village- Saharsa, P.S. Mali, District- Aurangabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 147, 149, 341, 323, 379, 504 and 307 of the Indian Penal Code registered in connection with Mali P.S. Case No. 49 of 2018.

3. It is submitted that the petitioners have been falsely implicated. There is case and counter case in the backdrop of land dispute between the parties. All the injuries are simple in nature except one injury on the head suffered by Md. Salauddin



resulting from assault attributed to petitioner no.4- Md. Najir Hussain @ Md. Najir . The petitioners claim clean antecedents.

4. Considering the nature of allegation and the injury said to have been caused by petitioner no. 4, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 4. The anticipatory bail petition of petitioner no. 4 stands dismissed.

5. Be that as it may, as regards the petitioner nos. 1, 2, 3, 5 and 6, namely Abdul Qadir @ Md. Quadir, Md. Tahir Hussain @ Md. Abdul Tahir @ Abdul Tahir, Md. Dhannu @ Dhannu, Md. Shahbaz Ahmad @ Md. Shahbaz and Abdul Wahab @ Md. Wahab in the event of the their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No. 49 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

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

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

(iii) 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.

(iv) 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.

(Vikash Jain, J)

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