

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40160 of 2019

Arising out of P.S. Case No.-314 Year-2018 Thana- UJIYARPUR District- Samastipur

1. Md. Mustak S/o Late Md. Yunus, Resident of Village- Chand Chour Mathurapur, P.S.- Ujiyarpur, District- Samastipur.
2. Md. Shamim, S/o Md. Ajim, Resident of Village- Chand Chour Mathurapur, P.S.- Ujiyarpur, District- Samastipur.
3. Md. Anure @ Md. Anuthe, S/o Late Md. Isha, Resident of Village- Chand Chour Mathurapur, P.S.- Ujiyarpur, District- Samastipur.
4. Md. Ajim, S/o Late Md. Abdul Hamid, Resident of Village- Chand Chour Mathurapur, P.S.- Ujiyarpur, District- Samastipur.
5. Md. Mumtaj @ Md. Mumtaz, S/o Md. Iliyas, Resident of Village- Chand Chour Mathurapur, P.S.- Ujiyarpur, District- Samastipur.
6. Md. Mister @ Md. Mistar, S/o Late Md. Aalam, Resident of Village- Chand Chour Mathurapur, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 05-09-2019 This is an application for grant of anticipatory bail in connection with Ujiyarpur P. S. Case No. 314 of 2018, disclosing offences under Sections 341, 323, 447, 379, 325, 307, 504, 506, 34 of the Indian Penal Code.

As per the prosecution case there is allegation against petitioners no.1 & 2 is of assault by iron rod to the brother of the informant and against petitioner no.5 is that he repeatedly assaulted father of the informant by rod. There is also allegation of taking away the ornaments and cash from his house.



Submission of the learned counsel for the petitioners is that there is case and counter case between the parties. The persons from the petitioners side has also received injuries and one of them is grievous in nature.

Heard learned A.P.P. also, who has opposed the prayer for anticipatory bail of the petitioners on the ground that one of the persons from the prosecution side has received grievous injury.

Having heard both sides, considering the above submissions, so far as, the petitioner no.5 is concerned, I am not inclined to grant privilege of anticipatory bail to him. However, he may surrender before the learned court below and make prayer for regular bail, the same shall be considered by the learned court below on its own merit, without being prejudiced by order of this Court.

So far as, petitioners no. 1, 2, 3, 4 and 6 are concerned, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned S.D.J.M., Dalsingsarai, District Samastipur, in connection with Ujiyarpur P. S. Case No. 314 of 2018, subject



to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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