

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63966 of 2018

Arising Out of PS. Case No.-51 Year-2018 Thana- GAUNAHA District- West Champaran

1. Ijul Haque @ Injul Haque S/o Sk. Jajul
 2. Sk. Hoda @ Hoda Shekh S/o Sk. Jajul
 3. Nusrat Jahan @ Noorjannat W/o Ijul Haque @ Injul Haque
 4. Shekh Jajul S/o Late Sk. Mangani
 5. Sk. Osihar @ Shekh Osiyar S/o Late Shekh Usaruddin
- All Resident of Village- Mahua, P.S. Gaunaha, District- West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 14-02-2019 At the very outset, it is stated that the petitioner no. 2, Sk. Hoda @ Hoda Shekh, has already been arrested during the pendency of this petition and as such his petition has become infructuous.

2. As prayed, the anticipatory bail petition as against petitioner no. 2, namely, Sk. Hoda @ Hoda Shekh is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the remaining petitioners and learned APP for the State.

4. The petitioners apprehend their arrest for the offences alleged under Sections 447, 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code registered in connection with Gaunaha P.S. Case No. 51 of 2018.

5. It is submitted that the petitioners have been falsely implicated and in any event, the injuries sustained by the informant from the assault of petitioner no. 2 and co-accused Jamardin are on



his arm being non-vital part of the body. The accusation of assault on the informant's wife by petitioner no. 1 has not resulted in any injury and she was merely prescribed some medicines and there is no specific accusation of any assault whatsoever in respect of the petitioner nos. 3 and 4.

6. Learned APP submits on the basis of the case diary that injury report of the informant discloses fracture on his left ulna.

7. Having regard to the nature of accusations, gravity of offence alleged and the injury resulting from assault on the informant attributed to petitioner no. 5 Sk. Osihar @ Shekh Osiyar, this Court is not inclined to grant anticipatory bail to him. His anticipatory bail petition stands dismissed.

8. Be that as it may, as regards petitioner no. 1, 3 and 4, namely, Ijul Haque @ Injul Haque, Nusrat Jahan @ Noorjannat and Shekh Jajul, in the event of 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 51 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

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

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

(iii) That petitioner no. 3 will be well represented and petitioner nos. 1 and 4 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.

BT/Chandran

(Vikash Jain, J)

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