

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67474 of 2019**

Arising Out of PS. Case No.-77 Year-2019 Thana- BALRAMPUR District-
Katihar

- =====
1. MANZUR ALAM @ MANZAR ALAM Son of Late Naseemuddin Resident of Village - Madhepur, P.S. - Balrampur (Telta), District - Katihar.
 2. Mojib @ Md. Majeeb Son of Late Naseemuddin Resident of Village - Madhepur, P.S. - Balrampur (Telta), District - Katihar.
 3. Ramjun Khatoon Wife of Mojib @ Md. Majeeb Resident of Village - Madhepur, P.S. - Balrampur (Telta), District - Katihar.
 4. Nihar Khatoon Wife of Manzur Alam @ Manzar Alam Resident of Village - Madhepur, P.S. - Balrampur (Telta), District - Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Najeeb Ahmad, Advocate.

For the Opposite Party: Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 504/34 of the Indian Penal Code registered in connection with Balrampur (Telta) P.S. Case No. 77 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. It is submitted that specific accusation of assault on the informant's side with iron rod is attributed to petitioner no. 2 while petitioner no. 1 is said to have assaulted the informant's cousin with iron rod on the head. The petitioner nos. 3 and 4 are ladies and are said to have beaten the



informant's wife and Yasmin Khatoon. Petitioner nos. 2 to 4 claim clean antecedents while petitioner no. 1 is on bail in a Complaint Case bearing C.A. No. 21 of 2018.

4. Learned APP assisted by learned counsel for the informant opposes the petition. It is pointed out that the informant has sustained grievous injury on his head attributable to the assault by petitioner no. 2. Learned counsel for the informant submits that the injuries have been sustained by the informant's side as well in which a counter case has been filed.

5. Having regard to the nature of accusations, gravity of the offence alleged and the grievous injury to the informant attributed to the petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. The anticipatory bail petition of petitioner no. 2 stands dismissed.

6. As regards petitioner nos. 1, 3 and 4, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners (except petitioner no. 2) be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur (Telta) P.S. Case No. 77 of 2019, 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 of each of the petitioners shall be their close relatives other than the petitioners herein (except petitioner no. 2).

(ii) That the petitioners (except petitioner no. 2) shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners (except petitioner no. 2) 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) That the petitioners (except petitioner no. 2) 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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