

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74462 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- BAUSI District- Purnia

1. Tauhid Son of Md. Auwwal @ Auwwal,
2. Ajagar, Son of Late Jaheer,
3. Matin, Son of Late Amedula,
4. Jahangir, Son of Late Jaheer,
5. Md. Auwwal @ Auwwal, Son of Late Amedula,
6. Zinat, Daughter of Tauhid,
7. Faiyaz, Son of Late Fazlu Rahman, All R/o Village- Chaupra, Purab Tola, P.S.- Baisi, District- Purnea.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate
For the State	:	APP
For the Informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 323, 324, 307 and 379 of the Indian Penal Code registered in connection with Baisi P.S. Case No. 119 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. There is case and counter case between the parties. There is no accusation of assault to petitioner nos. 2, 4, 6 and 7. The injury report of Asfar who is said to have been assaulted by petitioner no. 1 with Farsa is simple in nature. The injury report of the informant said to have been assaulted by sharp cutting weapon by petitioner no. 3 is not corroborated which



discloses simple injury caused by hard blunt substance. The supplementary injury report does not clearly state that there is grievous injury. As regards the accusation against the petitioner no. 3 of having assaulted the informant with sharp cutting weapon, there is no injury report in the case diary to corroborate such accusation.

4. Considering the allegation of assault by petitioner no. 3, namely, Matin upon the informant whose supplementary injury report discloses acute infarct in Lt. ganglio capsular region and he has been referred to the higher centre for better management, this Court is not inclined to grant anticipatory bail to him. The anticipatory bail petition, as against him, stands dismissed.

5. As regards the remaining petitioners, namely, Tauhid, Ajagar, Jahangir, Md. Auwwal @ Auwwal, Zinat and Faiyaz, 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, Purnea in connection with Baisi P.S. Case No. 119 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 relatives.

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

(iii) That petitioner no. 6 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present and petitioner nos. 1, 2, 4, 5, 6 and 7 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/-

(Vikash Jain, J)

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