

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74435 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- BANGAWON District- Saharsa

1. Md. Kalam Son of Late Abdul Rahman
2. Md. Siraj Son of Late Abdul Rahman
3. Md. Irshad Son of Late Abdul Rahman
All Resident of Village-Bariyahi Basti, Ward No.5, P.S. Bangaon, District Saharsa

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Pramod Mishra, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-03-2019 Learned counsel for the petitioners states that the petitioner no. 3 namely, Md. Irshad, has since been arrested by the police and as such, the instant prayer for grant of anticipatory bail has become infructuous. Accordingly, he seeks permission to withdraw this petition.

2. As prayed, the anticipatory bail petition, as against petitioner no. 3, namely, Md. Irshad, is permitted to be withdrawn and stands dismissed as such.

3. Heard learned counsel for the petitioner nos. 1 and 2 and learned APP for the State.

4. Petitioner nos. 1 and 2 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 379, 307, 504 and 506 of the Indian Penal Code registered in connection with Bangaon P.S. Case No. 65 of 2018.

5. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties relating to land dispute and both parties are *Gotias*. It is submitted



that subsequently amicable relationship has since been restored between the parties. The petitioners claim clean antecedents.

6. Learned APP opposes the anticipatory bail petition and on the basis of the injury report as mentioned in paragraph 32 of the case diary submits that one injury sustained by the informant with sharp cutting weapon is grievous in nature wherein other injury caused by hard blunt weapon is simple in nature.

7. Having regard to the nature of accusations, gravity of offence alleged and grievous injury sustained by the informant which corroborates the accusation of assault by petitioner no. 1, namely, Md. Kalam with sword on his head, this Court is not inclined to grant anticipatory bail to him. The anticipatory bail petition, as against him, stands dismissed.

8. Considering that the injury on the informant caused by hard blunt substance attributed to assault by petitioner no. 2, namely, Md. Siraj is simple in nature, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him 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 Chief Judicial Magistrate, Additional Chief Judicial Magistrate-II, Saharsa in connection with Bangaon P.S. Case No. 65 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 shall be a close relative of the petitioner no. 2.

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

(iii) That 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, his bail bond shall be liable to be cancelled by the learned Court concerned.



(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself 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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