

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30556 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- AMAUR District- Purnia

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1. KHALIL @ MD. KHALIL Son of Late Bannu Resident of Village- Silta, Panchayat- Hafoniya, P.S.- Amour, District- Purnea.
 2. Gulam Sarwar @ Md. Sarwar Son of Late Yasein Resident of Village- Silta, Panchayat- Hafoniya, P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 24-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Amour P.S.Case no. 48 of 2020, registered under sections 308, 341, 328, 379, 504, 506 and 34 of the Indian Penal Code.

As per allegation made in the F.I.R., it is stated that nine named accused persons including the two petitioners herein, came variously armed and on the orders given by petitioner no.1, it is stated that the petitioner no. 2 struck with the brick causing grievous injury to the brother of the informant.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. The occurrence has taken place in a manner other



than what has been described in the FIR and there is admitted land dispute between the parties. It is submitted that in any case there is no allegation of overt-act against petitioner no. 1. The petitioners have no criminal antecedent.

The application for bail is opposed by the learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against petitioner no.2 and the injury report, this Court is not inclined to enlarge the petitioner no.2 on bail and his application is rejected.

So far as petitioner no.1 is concerned, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Amour P.S.Case no. 48 of 2020, he will be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Purnea, subject to the conditions as laid down under section 438(2) of Code of Criminal Procedure.

B.Kr./-

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(Partha Sarthy, J)

