

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2717 of 2016

Arising Out of PS.Case No. -97 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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Gulam Sarwar Son of Late Ajij Mian

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code.

Prosecution case is that co-accused Parvez Alam reached at the betel shop of the informant and started abusing him when protest was made all the accused persons including the petitioner and 20-25 unknown came variously armed with 'lathi' and 'danda' and assaulted the informant. The motive of the occurrence alleged to be the protest made by the informant while consuming liquor in the premises of the school by the accused persons.

It is submitted by learned counsel for the petitioner that accusation of assault is omnibus and general against the 12 FIR

named accused persons and 20-25 unknown. Only two injuries have been found on the person of the informant. One of them is on the head though opinion for the same has been kept reserved.

The impugned order reflects that learned PP conceded this fact that the accusation of assault is omnibus and general. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Moreover, the informant has retracted from initial version.

Considering the fact that accusation is not being corroborated with medical opinion, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No.97/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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