

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22736 of 2016

Arising Out of PS.Case No. -79 Year- 2014 Thana -SITAMARHI District- SITAMARHI

=====

Md. Zaffar Khan, S/o Sallu Khan, R/o village – Talkhapur, P.S. Dumra,
District – Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Asha Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-05-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The prosecution case as per the fard-beyan of the informant Abhijit Singh is that on 27.01.2014 at 5.00 P.M. while he was going to Rajopatti seven FIR named accused persons including the petitioner and 20-25 unknown armed with hockey stick, chain and knife surrounded the informant. It is alleged that co-accused Govind Kumar Singh assaulted the informant with knife on the head and other accused persons assaulted with hockey stick on the head of the informant. The accused persons also gave threats for non-payment of extortion

of rupees one lakh.

It is submitted by learned counsel for the petitioner that accusation of assault is specific only co-accused Govind Kumar Singh whereas accusation against the petitioner and others is omnibus and general and co-accused Govind Kumar Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 7563 of 2016 since he alleged to have assaulted with knife but no sharp cut injury has been found. The injury report mentioned in the impugned order reflects two injuries, one is fracture of left parietal bone. It is further submitted that since accusation is omnibus and general the other similarly situated co-accused Sahbaz Ahmed has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 16279 of 2016. Moreover, for the occurrence of 27.01.2014 at 5.00 P.M. the FIR was registered on 28.01.2014 at 4.45 P.M. when the fard-beyan was recorded on 28.01.2014 at 11.00 A.M. at the residence of the informant, whose father is a doctor and the injury report has been prepared by the father of the informant.

Considering the delayed lodging of the case, accusation not being specific against the petitioner and similarly situated co-accused Sahbaz Ahmed has been granted

anticipatory bail, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 79 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--