

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56868 of 2015

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Akbal Mian @ Iqbal Mian @ Akwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-01-2016

The present application has been filed for modification of the order dated 18.08.2015 passed in Criminal Miscellaneous No.34808/2015.

The petitioner was granted anticipatory bail in a case registered for the offences punishable under sections 341, 323, 325, 379, 504, 34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the petitioner assaulted with iron rod on the hand and right elbow of the informant, abused by calling caste name and took out Rs.700/- from the pocket of the informant.



The petitioner was granted provisional anticipatory bail for three months on submission of learned counsel for the petitioner that no injury was caused to the informant. A statement to that effect was also made in paragraph 10 of the main petition. The provisional bail was to be confirmed by the learned court below on verification that no injury was caused to the informant.

It is submitted by learned counsel for the petitioner that she was not properly instructed hence the statement was made in paragraph 10 of the petition that no injury was caused to the informant but the injury has been found to be simple.

Under the circumstances, this Court is not inclined to modify the order. Hence, the order dated 18.08.2015 is hereby rescinded.

Considering the nature of accusation, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Gurua P.S. Case No.89/2015, pending before the learned Judicial Magistrate, 1st Class, Sherghati, Gaya.

It is expected from the learned court below to dispose of the same within same day.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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