

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12633 of 2016

Arising Out of PS.Case No. -418 Year- 2015 Thana -PIRO District- BHOJPUR

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Md. Saddam @ Md. Saddam Khan, Son of Md. Hafeez Khan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-03-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 323, 341, 307, 504, 506 and 379 of the Indian Penal Code.

Accusation is that the petitioner assaulted with butt of the pistol on the head of the informant causing fracture injury. While co-accused persons assaulted the informant with *lathi* and *farsa*. It is also alleged that the co-accused persons snatched Rs. 40,000/-, mobile phone and a gold chain from the informant.

It is submitted by learned counsel for the petitioners that though the informant has received two injuries of marginal size but they are found to be simple in nature and since the informant has taken Rs. 1,00,000/- from the petitioner for providing a job in Indian Army and hence in the said background, the present

accusation has been levelled against the petitioner.

A statement has been made in paragraph -11, that the injuries are simple in nature caused by hard and blunt substance, which reads as follows:-

That so far the allegation of assault by Butt of the country made Pistol by the petitioner is concerned that can be made also by hockey stick or lathi, because the allegation of assault is only one but the injury report shows three injuries i.e. ½ inch x ¼ inch 1/10 inch and swelling of 2 inch x 1 inch that shows that injuries are simple in nature caused by hard and blunt substance.

Considering the nature accusation, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail provisionally for a period of two months on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Arra in connection with Piro P.S. Case No. 418 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below after verifying from the record that the injuries of the informant have been found to be simple in nature and if it is found otherwise, then the petitioner will surrender and

pray for regular bail.

(Dinesh Kumar Singh, J)

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