

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52354 of 2016

Arising Out of PS.Case No. -218 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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Shaffiullah Khan @ Shffiullah Khan S/o Kitab Khan, R/o Village-
Mathurapur, P.S +District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 342, 323, 325, 379, 307, 302 and 120(B) of the Indian Penal Code.

Allegation is that the accused persons including the petitioner assaulted grand son of the informant, namely, Samsad Alam and his friend Md. Abid by lathi, rod, stones and bricks, due to which they became seriously injured. Injured Md. Abid was referred to AIIMS for treatment, but in the way he died. The grand son of the informant was getting treatment at Tara Nursing Home.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The



alleged occurrence is said to have taken place on 3.10.2015, whereas the F.I.R. was instituted on 10.10.2015. Delay has not been explained by the prosecution. From perusal of the case diary itself, it appears that the deceased had met with an accident and subsequently died. Hence, he was buried and no postmortem was conducted. No specific allegation has been made against the petitioner. There is no eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail 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, Sheohar in connection with Sheohar P.S. case No.218 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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