

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50223 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -GAYGHAT District- MUZAFFARPUR

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Md. Naushad Alam Son of Late Zafir Alam Resident of village - Nazirpur,
P.S. Gaighat, District Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Syed Ehteshamuddin, Advocate.

For the Opposite Party : Mr. Sri Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-12-2016 A supplementary affidavit has been filed on behalf of learned counsel for the petitioner. The same may be kept on the record. In light of supplementary affidavit, learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 3 of the petition, in course of the day.

Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Gaighat P.S. Case No. 82 of 2016 for the offences instituted under Sections 147, 148, 149, 323, 324, 307, 379, 427, 504 and 506 of the IPC.

The prosecution story, in brief, is that the petitioner and other co-accused persons formed an unlawful assembly and



attempted to commit murder of the informant when he resisted the robbery committed by them in the Raiyan's shop.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is a case and counter-case between the parties. In course of free fight, both sides are said to have injured.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. and the specific allegation of assault is against the petitioner. The nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Gaighat P.S. Case No. 82 of 2016, (G. R. No. 2063 of 2016), pending in the court of learned J.M. Ist Class, Muzaffarpur. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

U.K./-

(Sudhir Singh, J)

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