

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17760 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -DAGARUA District- PURNIA

1. Sayeedur Rahman son of Mojib Resident of Village- Kariyat, P.S.-
Dagarua, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Dagarua P.S. Case No. 99 of 2015 registered for offences
punishable under Sections 447, 341, 323, 324, 307, 379, 427, 504
and 506 of the Indian Penal Code.

The prosecution case is that the informant had
covered his Hen house by a plastic and put a brick over the said
plastic. On 18.05.2015 at about 4.00 A.M. due to fast wind, the
said brick fell down on earthen pot of the informant, which was
broken and due to that reason, the accused persons including the
petitioner brutally assaulted the informant with fists and legs and
also cut his left ear by a knife. When the son of the informant



namely Md. Waris and wife Bibi Rabina came to save the informant, the accused persons also assaulted them. It is further alleged that the petitioner gave lathi blow on the head of the son of the informant with an intention to kill him, due to which, his head was fractured and blood started oozing. Accused Moidur Rahman and Atikur Rahman assaulted Bibi Rabina and snatched her gold ear-ring and Bari of nose. The accused persons also damaged the kitchen house.

It has been submitted by the learned counsel for the petitioner that a counter case bearing Dagarua P.S. Case No. 100 of 2015 has been lodged by the father of the petitioner against the informant in which the father of the petitioner received head injury. It has been further submitted that the informant has entered into a compromise with the petitioner's side and being agnates the dispute between them is a civil dispute.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and the injury caused on the son of the informant by this petitioner has found to be grievous in nature. Hence, opposes the prayer for bail.

Under the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail stands rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today, the bail application of the petitioner will be considered by the learned Court below taking into account the compromise and the counter case preferably on the same day on its own merit.

(Nilu Agrawal, J.)

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