

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19308 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -KHAJAULI District- MADHUBANI

1. Md. Shamim Son of Md. Razak Both resident of village- Rajiyahi, P.S.-
Khajouli, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. C.Jawahar(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-05-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory arises out of
Khajouli P.S. Case No. 142 of 2015, disclosing offences under
Sections 341,323,324,307,379,325,504,506/34 of the Indian Penal
Code.

It appears from the First Information Report that three
persons named in the First Information Report including the petitioner
and 8-10 unknown persons assaulted the informant with iron rod. It is
alleged against the present petitioner that he given Axe blow on the
head of the informant. The First Information Report has been
instituted on 06.10.2015.

Learned counsel for the petitioner has submitted that more
than two months before institution of the present First Information
Report, the petitioner had lodged an FIR on 20.07.2015 implicating the

informant as an accused since the petitioner was assaulted by the informant and others. He has further submitted that the allegation made in the First Information Report stands falsified by injury report inasmuch as the injuries have been found in the nature of lacerated wound etc. He has further been submitted that Md. Abdul Razzak @ Md. Razzak and ors has been granted anticipatory bail by this Court passed in Cr. Misc. No. 15938 of 2016.

Considering the above, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in Khajouli P.S. Case no. 142 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure.

This is subject to the condition that the petitioner present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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