

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22802 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -PARIHAR District- SITAMARHI

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Jiyaul Mustafa, S/o Md. Savir Husain, resident of Village- Betaha, P.S.Bela,
District Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Opposite Party : Mr. Arun Kumar Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel representing the

State.

The petitioner apprehends his arrest in connection
with Parihar P.S. Case No. 51 of 2016, registered for the offences
punishable under Sections 341, 323, 307, 379/34 of the Indian
Penal Code.

Allegedly, to withdraw Bela P.S. Case No. 177 of
2014, all the accused persons started assaulting with fists and slap
and on the order of Md. Murtuja Hasan and Md. Washim the
petitioner assaulted with iron rod on the head of the informant
causing rupture of the head and bleeding.

Submission is of false implication and that no injury
has been found on the head caused by hard and blunt substance



rather injury is of sharp cutting weapon. After investigation, the petitioner has not been sent up for trial but inspite of that cognizance has been taken against the petitioner also by order dated 03.02.2017 by learned A.C.J.M., Sitamarhi and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that there is specific allegation of assaulting on the head with iron rod.

In the facts and circumstances as stated above, considering that injury report does not substantiate the prosecution version and further the petitioner has not been sent up for trial and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 learned A.C.J.M. IV, Sitamarhi, in connection with Parihar P.S. Case No. 51 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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