

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22891 of 2017

Arising Out of PS.Case No. -171 Year- 2013 Thana -DULHIN BAZAR District- PATNA

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Aizaz Miya @ Lallu @ Lalu, S/o- Guchand Miya, Resident of Dulhin Bazar, P.S. - Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

7 27-11-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dulhin Bazar P.S. Case No. 171 of 2013, registered under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

The accusation is that, on 10.10.2013, while informant, Mahendra Prasad Gupta and his son, Baban Prasad Gupta, were returning to his house after closing the jewellery and cloth shops. In the way, eight persons named in the F.I.R. including the petitioner surrounded his son, Baban Prasad Gupta.. At that time, Nayazuddin Mian caused injury at the head of Bababn Prasad Gupta, son of the informant, through Dav and Gulchand snatched the jewellery bag to the hand of his son. On



raising alarm by the informant, his grand son, Chandra Kant Soney, rushed there then Shahzad caused injury at his head through butt of pistol. In the meantime, Naushad forcibly took cash of Rs.8,000/-to the pocket of the informant. Shashi Kumar, second grand-son of the informant, was also assaulted by Aizaz Miya (petitioner) and Akbar Mian through Khanti and also snatched his gold chain.

Learned counsel for the petitioner submits that, in fact, the allegation against petitioner and Akbar Mian is to cause injury at the head of Shashi Kumar through Khanti, but no injury has been detailed in the case diary, which is up to paragraph 64. The injury of Baban Prasad is said to be caused by Nayazuddin Mian, which is grievous in nature as detailed in paragraph 27 of the case diary.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, in connection with Dulhin Bazar P.S. Case No. 171 of 2013, subject to the condition as laid down under



Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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