

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50632 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -KUCHAIKOTE District- GOPALGANJ

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Abid Ali, son of Sri Asdullah Siddique, R/o Village – Amwa Bijayipur, P.S.
Kuchaikote, Distt. Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the State : Mr. Mukeshwar Dayal, A.P.P.

For the Informant: Mr. Zeyaul Hoda, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 18-10-2017 Learned Senior Counsel for the petitioner files a
Supplementary Affidavit. Let it be kept on record.

Heard learned Senior Counsel for the petitioner,
learned A.P.P. for the State as also learned counsel for the
informant.

The petitioner, in the present case, is seeking
anticipatory bail in connection with Kuchaikote P.S. Case No.
129/2017 registered for offences punishable under Sections 341,
324, 504, 307/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner has
categorically submitted that this is a dispute between two co-
sharers, who are own brothers and while the father of the
petitioner was being assaulted, this petitioner, being a young man



in an attempt to save his father, went there but has not committed any overt act. Learned Senior Counsel has emphasized that this petitioner is an Engineering Graduate and is serving outside the State for about two years. His name has been falsely implicated by the informant, who is none-else but his uncle, with the sole intention to get him out of the job.

Learned Senior Counsel has further, referring to the Supplementary Affidavit, drawn attention of this Court towards the injury report, which according to him, is a back-dated injury report prepared by a private hospital at Gorakhpur. Learned Senior Counsel submits that no doubt the injury is said to be grievous in nature but the injury report is not worth reliable and in any case the petitioner has not committed this assault, therefore, he may be granted the privilege of anticipatory bail.

On the other hand, learned counsel representing the informant has opposed the prayer for anticipatory bail saying that the injury report as well as the allegations levelled against this petitioner are true and correct. Learned counsel submits that a perusal of the First Information Report itself would show that after some preliminary treatment and for purpose of better treatment of the petitioner, he was referred to Shahi Global Hospital, Gorakhpur.



I have considered the rival submissions, the allegations are there of causing injuries on the body of the informant, whatever be the reasons for the same, this Court is not inclined to grant anticipatory bail to the petitioner but in case the petitioner, if so advised, surrenders in the court below within a period of four weeks from today, the court below shall consider the entire materials including the materials collected by police in course of investigation on the point of assault and in case it is found that in course of investigation the participation of the petitioner and the allegation of causing injury are not substantiated, the same shall be considered keeping in mind that the petitioner is an Engineering Graduate and is in job. Learned court below shall thereafter pass an appropriate order on the basis of the materials on record in accordance with law.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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