

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59726 of 2017

Arising Out of PS. Case No.-42 Year-2017 Thana- HAYAGHAT District- Darbhanga

Md. Shamim Sah, Son of Late Md. Mofid @ Md. Mofid Sah, Resident of
Village- Rasulpur, Hayaghat, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. AJAY KUMAR JHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323,326, 504 and 506 of the IPC.

The prosecution case is that on 28.06.2017 at 3 PM, the informant came to the shop of Md. Shamim and made enquiry about the involvement of Md. Sonu in the commission of theft. It is further alleged that Md. Irteyas conveyed to the informant that on instruction of Md. Sonu, the cousin brother of the informant, Md. Irteyaz committed theft. On such query, the petitioner started abusing the informant and tried to manhandle the informant. It is further alleged that the petitioner tried to assault the informant with the handle of the hand-pump, but the informant saved himself. The other accused persons caught hold



of the informant when the petitioner poured the hot water on the informant, as a result, the informant received several injuries.

It is submitted by learned counsel for the petitioner that in the background of fight between the children of both sides, the accusation has been levelled. From the impugned order, it does not appear that any grievous injury has been caused to the informant. Moreover, the informant has retracted from his initial version. There is counter version of the occurrence also. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the nature of accusation, let the above named petitioner be released on anticipatory bail on the verification by the learned court below that no grievous injury has been caused due to pouring of the hot water on the informant, in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Darbhanga in connection with Hayaghat P.S. Case No. 42 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

If the learned court below finds that grievous injury has been caused to informant due to pouring of hot water, then the



petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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