

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23976 of 2017

Arising Out of PS.Case No. -274 Year- 2016 Thana -GARKHA District- SARAN

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1. Md. Kayamudin @ Kayamudin Mian Son of Abdul Majid a resident of
Village +P.S.- Garkha, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks anticipatory bail in Garkha P.S.
Case No.274 of 2016 instituted for the offences under Sections
147, 148, 149, 323, 324, 325, 307 of the Indian Penal Code and
Section 27 of the Arms Act.

There is direct allegation against the petitioner who has
given Farsa blow on the neck of the victim but the victim
resisted the blow on his hand which caused injury on the
thumb of right hand.

Learned counsel for the petitioner submits that
petitioner has wrongly been implicated in the present case as
he is suffering from paralysis. He is unable to move around so



the question of participation in the crime does not arise. At the same time the injury did not corroborate by the injury report. In paragraph 13 of the petition it has been mentioned that petitioner's movement has come to standstill due to paralysis and hence his involvement in the commission of the alleged offence is quite improbable.

The petitioner is directed to surrender before the Chief Judicial Magistrate, Saran at Chapra who will examine the physical condition of the petitioner and if it found that he is unable to participate in such nature of crime the petitioner will be granted anticipatory bail and if the finding goes against the petitioner in such circumstances the petitioner will be taken in custody.

With the aforesaid observation this application is disposed of.

Vinay/-

(Shivaji Pandey, J)

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