

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61466 of 2017

Arising Out of PS. Case No.-303 Year-2017 Thana- PATORI District- Samastipur

Md. Aslam S/o Md. Jalal, R/o Village- Shiura Musahari, P.S.- Patory, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. DR. RABINDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2017 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 307,323,324,380,341,448,354A, 354B and 427/34 of the IPC.

The prosecution case got initiated with the submission of the written report by Ajmeri Khatoon before the Officer Incharge, Shahpur Patori alleging that on 26.8.2017 at 8 PM she was cooking in her courtyard, when co-accused Jiyauddin and Rustam entered into her courtyard from the back side of the house and caught hold of the informant. On resistance being made by the informant by raising cries, the father and brother of the informant came to rescue her when four five persons came from back side and assaulted the father and brother of the informant causing sword injury to them. In the meantime, co-



accused Md. Fulo, Md. Aslam (petitioner), Md. Nurul and five to seven other people ransacked the house. It is alleged that gold chain of the informant was snatched by co-accused Jiyauddin and he also threatened the informant of dire consequences.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general. The accusation of snatching gold chain is specific against co-accused Jiyauddin whereas the specific accusation under section 354A of the IPC is against co accused Jiyauddin and Rustam. It is further submitted that there is counter version of the occurrence being Patori P.S. Case No. 304 of 2017 lodged by co accused Jiyauddin levelling accusation against the informant side under sections 307,323,324,341 and 379/34 of the IPC and the informant side has not received any injury. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the thrust of accusation against the co-accused persons and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned CJM, Samastipur
in connection with Shahpur Patory P.S. Case No. 303 of 2017.

(Dinesh Kumar Singh, J)

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