

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46914 of 2016

Arising Out of PS.Case No. -305 Year- 2016 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Md. Sadique @ Md. Sadique Hussain, Son of Md. Masoom @ Md. Mustaqeem, Resident of Village- Khatopur, Police Station- Begusarai Muffasil, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pd. Singh, Sr.Advocate with
M/S Birendra Kumar Singh, Raghawendra
Pratap Singh, Advocates

For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-01-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Begusarai Muffasil (Lakho) P.S.Case No. 305 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code and later on Section 302 IPC was added.

It has been submitted that the petitioner has falsely been implicated in this case due to land dispute, which is evident from the facts stated in the FIR and there is general and omnibus allegation against the petitioner and other accused persons that they have assaulted with lathi but the specific allegation is against



Md. Ali, who has assaulted on the head of the informant's brother with khanti and the post mortem report shows that there is one injury on the vital part of the body and there is no other injury. It has further been submitted that in paragraph-24 of the case diary, one witness, who was injured, has not named this petitioner and in paragraph-25 of the case diary one witness has stated that the petitioner has reached the place of occurrence after the occurrence.

Heard learned APP also.

Learned APP has opposed the prayer for anticipatory bail, stating that there are allegations against this petitioner also in the FIR.

Heard both sides. Considering the fact that there is land dispute between the parties and there is no specific allegation attributed against the petitioner and in the post mortem report one injury has been found caused by other accused person and lastly one injured during the course of investigation has not named the petitioner as assailant, let the petitioner, Md. Sadique @ Md. Sadique Hussain, in the event of his arrest or surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of



Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil (Lakho) P.S.Case No.305 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the conditions that the bailors should be local one having sufficient immoveable properties within the jurisdiction of the court concerned and further the petitioner shall co-operate in the investigation and make himself available before the police/court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, except showing some genuine ground, his bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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