

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17365 of 2017

Arising Out of PS.Case No. -95 Year- 2013 Thana -CHHATAPUR District- SUPAUL

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Md. Rayees Alam @ Md. Rayees, Son of Md. Daud, resident of Village-
Pariyahi, Police Station- Chhatapur, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun, Advocate.

For the Opposite Party : Mr. Narendra Kumar Singh, APP.

For the Informant : Mr. Binod Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-07-2017 Heard both sides.

The petitioner apprehends his arrest in Chhatapur P.S. Case No. 95 of 2013 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 379, 448 and 504 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added after death of the informant Abdul Salam.

The informant named 17 persons including the petitioner and made specific allegation that Abdul Sattar assaulted the informant with Pharsa on his head. Thereafter on the order of Abdul Gaffar, Abdul Jalil, Abdullah and Aiyanatullah indiscriminately assaulted the informant. When Md. Murtaza, son of the informant, came to save Obedullah ordered to kill him on such Abdul Kadir assaulted his son with Pharsa on his head. When his son fell down Md. Abbas and Abdul Barik assaulted his son. The petitioner is alleged to have entered into



the house and snatched Rs. 1500/- from the pocket of the informant.

Learned counsel for the petitioner submits that allegation of snatching the money is ornamental. The informant was lying injured and he was not in a position to see what were happening inside the house.

Learned APP as well as learned counsel for the informant however opposed prayer for anticipatory bail of the petitioner but could not be able to show any specific allegation of assault against the petitioner. The petitioner is not the assailant of the informant or his son. Later on the informant succumbed to injuries.

Having considered the facts that there is no allegation of assault against the petitioner, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Supaul in Chhatapur P.S. Case No. 95 of 2013, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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