

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22897 of 2017

Arising Out of PS.Case No. -229 Year- 2015 Thana -BIRPUR District- SUPAUL

=====

Md. Israil, son of Ghusmuiddin, resident of Mohanpur, P.S.- Birpur,
District- Supaul. Petitioner

Versus

The State of Bihar. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Rita Verma

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with
Birpur P.S. Case No. 229 of 2015 registered for the offences
punishable under Sections 147, 148, 149, 341, 337, 338, 323, 324,
307, 354, 504, 506 of the Indian Penal Code.

Allegedly, the petitioner and co-accused Md. Tafajul
were taking photographs of the female members of the informant
and on protest started assaulting, the petitioner and Md. Rashid
assaulted the husband of the informant with iron rod causing
injury and he became unconscious then all fled away.

Submission is of false implication and that in this case
injury has been caused due to brick batting, in the eye there is no
internal injury rather lacerated wound over right eye lid has been
found and as such the petitioner deserves sympathetic



consideration, other co-accused Md. Sidhique, Md. Alauddin, Md. Matabul, Md. Kushmuddin and Md. Amin have been allowed pre-arrest bail vide Cr. Misc. No. 31414 of 2016 whereas Md. Abdul Rashid has been allowed regular bail.

Learned APP seriously opposes the prayer of pre-arrest bail by submitting that Md. Abdul Rashid has been allowed regular bail and the allegation against the petitioner is also to have assaulted with iron rod on right eye.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then his prayer for bail shall be considered taking into consideration that co-accused Md. Rashid has been allowed regular bail, on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--

