

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43391 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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1. Tajul Haque Kuraishi Son of Sarajul Haque Kuraishi, Resident of
Chaklalu Chotu Mohalla, P.S. - Mehsi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul
For the Informant : Mr. S.P. Singh
For the State : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant.

This application, for grant of anticipatory bail, arises
out of Mehsi P.S. Case No. 84/2017, disclosing offences under
Sections 332, 338, 307, 353, 186, 511, 379, 504 and 506/34 of the
Indian Penal Code.

From the First Information Report, it appears that
before the occurrence, as alleged in the F.I.R., took place, there
was some altercation between the informant/police officer and the
petitioner.

Allegation against the petitioner is that he assaulted
the informant and attempted to snatch his revolver. It is also



alleged that since the informant was alone, he found himself helpless and could not do anything.

Learned counsel for the petitioner has submitted that it is evident from the F.I.R. that the Inspector of Police with police force was present hardly ten steps from the exact place of occurrence, as alleged in the F.I.R. The allegation that the informant was alone and, therefore, the occurrence could take place and the petitioner could assault him appears to be not *bona fide*.

Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that the petitioner taking advantage of his social position, as husband of a representative of the local body, misbehaved with the police official. Hence, he should not be granted anticipatory bail.

Considering the facts and circumstances, particularly, in view of submission made on behalf of the petitioner that the occurrence could not have taken place in presence of senior police officers and the police parties were present at the place of occurrence, this application is allowed. Let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of the **learned Chief Judicial Magistrate, East Champaran at Motihari** in connection with **Mehsi P.S. Case No. 84/2017**, subject to the condition laid down under Section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself 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, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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