

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43342 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Asdullah Siddiqui, Son of Late Korimuddin, Resident of Village-Amwa Vijaipur, P.S. Kuchaikot, District Gopalganj, at Present Jagaliya Ward No. 19, in Front of Sahnam Hotel, P.S. & District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma
For the Informant : Md. Sufiyan
For the State : Mr. R. B. Roy 'Raman' (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-10-2017 Heard learned senior counsel for the petitioner as well as learned counsel for the informant.

This application, for grant of anticipatory bail, arises out of Kuchaikot P.S. Case No. 129/2017, disclosing offences under Sections 341, 324, 504, 307/34 of the Indian Penal Code.

There are two things, which are evident from the First Information Report. First, the petitioner and the informant are full brothers and second, there is some property dispute between them.

Allegation against the petitioner is that he caught the informant from behind and instigated his son to assault the informant, whereafter, his son (co-accused Abid Ali) assaulted the



informant on his chest with knife, causing injuries. It is also alleged that, thereafter, the petitioner and other co-accused also assaulted the informant.

Learned senior counsel, appearing on behalf of the petitioner, has submitted that non-lodging of the First Information Report on the same date of occurrence and treatment of the informant in a private hospital makes the entire case of the prosecution doubtful. He has submitted that the petitioner cannot be said to be a habitual criminal and since the matter arises out of some private dispute, a considerate view may be taken while considering the petitioner's case for grant of anticipatory bail.

Learned counsel for the informant, on the other hand, vehemently opposed the prayer for anticipatory bail and has submitted that in view of participation of the petitioner, as is evident from the First Information Report, the petitioner should not be allowed anticipatory bail.

From the materials on record, it is apparent that there was dispute between the informant and the petitioner with regard to the property and the said occurrence appears to have taken place out of such dispute. Implication of the petitioner with exaggerated version of the occurrence, which has taken place, cannot hold him guilty.



Considering the fact aforesaid, 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, Gopalganj** in connection with **Kuchaikot P.S. Case No. 129/2017**, 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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