

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54238 of 2018

Arising Out of PS.Case No. -356 Year- 2018 Thana -SUPAUL District- SUPAUL

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1. Md. Sirwan S/o Late Abdul Shakoor, R/o Vill.- Chainsinghpatti, Ward No. 6, P.S.- Supaul, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

A written report was filed by the informant Md. Salim disclosing therein that on the alleged date and time of occurrence, the accused persons (including the petitioner) who are his own *pattidaar* came and forbade the Mason to proceed with the shuttering work which was resisted by the informant as a result of which Md. Islam inflicted *Dabiya* blow causing injury over his hand, his wife Maherunnisha was assaulted by Rubeda Khatoon with *Dabiya*, Kurban had assaulted Barik with *Lathi*. Sirwan (petitioner) snatched away titan wrist watch as well as cash appertaining to Rs. 5,000/- from his possession.



Akhtari took away silver chain from Maherunnisha. Then thereafter, they have been taken to hospital where treatment is going on.

It has been submitted at the end of the petitioner that the manner wherein allegation has been attributed against the petitioner suggests false implication in the background of the fact that had there been presence of the petitioner, he would have indulged in physical assault also. Furthermore, it has also been submitted that actually prosecution party were encroaching upon the land of the petitioner and for that there was protest wherein the petitioner side were assaulted and for that Supaul P.S. Case No. 358 of 2018 was registered. It has also been submitted that falsity of the case is itself evident from the order impugned.

The learned Additional Public Prosecutor opposes the same.

Considering the facts and circumstances of this case, petitioner **Md. Sirwan** is directed to be released on bail in the event of his arrest/surrender before the learned lower court within fortnight on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Supaul in



connection with Supaul P.S. Case No. 356 of 2018 in terms of
condition as laid down under Section 438 (2) Cr.P.C.

(Aditya Kumar Trivedi, J)

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