

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1498 of 2018

Arising Out of PS. Case No.-168 Year-2017 Thana- TATARPUR District- Bhagalpur

Salim Ahmad @ Md. Saleem @ Md. Saleem Ahmad, Son of Md. Ahmad Raza @ Md. Shekhoo @ Ahamad Raza, Resident of Mohalla Jabbar Chak, Hakim Amir Hussain Lane, Police Station- Tatarpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Syed Masleh-uddin Ashraf

For the Opposite Party/s : Mr. GANESH PRASAD SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Md. Imtiyaz Kuraishi dated 05.08.2017 is to the effect that on 05.08.2017 at 8.30 PM in the night, the informant was talking on mobile in the street adjacent to his house, in the meantime, co-accused Md. Monti, Md. Sanny and the petitioner Md. Salim Ahmad came and started abusing the informant without any reason, when co-accused Md. Monti threw a brick on the leg of the informant and on protest being made, the petitioner and co-accused Md. Sanny caught hold of the informant and this



petitioner took out Rs. 500/- from the pocket of the informant. It is further alleged that co-accused Md. Sanny made an attempt to fire on the informant with his revolver, but the weapon did not work. While the petitioner and co-accused Md. Sanny had caught hold of the informant, co-accused Md. Monti assaulted the informant several times with scissor.

It is submitted by learned counsel for the petitioner that the accusation of assault is only against co-accused Md. Monti and Md. Sanny. Though, the impugned order suggests that though, five injuries have been found to the informant, but all the injuries have been found to be simple. The only accusation against the petitioner is of catching hold of the informant and taking out Rs. 500/- from the pocket of the informant, which appears to be cosmetic in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner also participated in the occurrence.

Considering the thrust of accusation against co-accused Md. Monti and Md. Sanny and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on



anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Tatarpur P.S. Case No. 168 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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