

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29681 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -HASANGANJ District- KATIHAR

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Md. Idrish S/o Late Sadik, R/o Uttar Tola, Dherua, P.S.- Hasam Ganj,
District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Informant : Mr. Himanshu Kumar Akela, Advocate

For the Opposite Party/s : Dr. M.K Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 17-05-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Hasanganj P.S. Case No. 10 of 2018 registered under Sections
147, 148, 149, 323, 325, 504, 506, 307 and 379 of the Indian
Penal Code.

It is submitted by the learned counsel for the
petitioner that the first information report has been instituted
against the petitioner and nine others. Out of the ten named
accused, nine moved grant for pre-arrest bail before the court



below. However, after hearing the parties the learned Sessions Judge granted pre-arrest bail to eight others but rejected the application of the petitioner on the ground that he had assaulted the informant Md. Muzaffar on his head causing grievous injury. He submitted that Md. Muzaffar is the informant of the case and in the first information report he has not made any specific allegation against the petitioner. However, in his subsequent statement recorded under Section 161 (3) of the Code of Criminal Procedure, he improved his version and alleged that it was the petitioner who assaulted with *lathi* on his head and hand causing injury.

On the other hand, learned counsel appearing for the informant vehemently opposed the application for grant for pre-arrest bail to the petitioner. He submitted that in the subsequent statement, the informant has categorically stated that it was the petitioner who had assaulted him and the doctor who examined the injury on the person of the informant found one of the injuries to be grievous in nature.

I have heard learned counsel for the parties.

Considering fact that there is omnibus and general allegation made against all the accused persons named in the FIR



including the petitioner in the FIR and others have been granted pre-arrest bail by the learned Sessions Judge, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in connection with Hasanganj P.S. Case No. 10 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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