

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38020 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -ROUH District- NAWADA

=====

Md. Babar, Son of Md. Rizwan @ Md. Rizwan Kaishar, resident of
Village- Roh, P.S.- Roh, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. Sri Nand Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 05-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 341,
323, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report
of Abdul Salam submitted to the Station House Officer, Roh P.S.
is to the effect that on 05.05.2018 at 11.00 AM, the son of the
informant Aurangjeb was going to his relative's house while he
was playing song through his mobile. Accused petitioner and co-
accused Md. Salik and Chunaid asked the informant's son to
stop playing song through mobile and they abused the



informant's son, on protest being made, they abused him and the petitioner, Babar assaulted with Khanti to the son of the informant causing injury. It is also alleged that when the son of the informant became unconscious and fell down on the ground then the accused persons took out Rs. 6,000/-, Samsung mobile and gold chain worth Rs. 15,000/-.

It is submitted by the learned counsel for the petitioner that the occurrence took place for a petty dispute. The injury report suggests only lacerated wound of marginal size simple in nature. There is no accusation of repeating the blow and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the accusation of assault is specific against the petitioner.

Considering the genesis of the occurrence, keeping in view the fact that there is no accusation of repeating the blow which falsify the intention of the petitioner and statement made in paragraph 3 of the petition that petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Navada in connection with Roh P.S. Case No. 47 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

