

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69044 of 2018

Arising Out of PS. Case No.-161 Year-2015 Thana- KISHUNPUR District- Supaul

Md. Enaytullah, S/o Late Yahiya, R/o Villagbe Bhokrahi, P.S. Kishanpur,
Distt.-Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arun, Advocate.

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 447, 307, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that all F.I.R. named accused persons came arm with *Lathi*, *Phatha*, *Iron rod* and co-accused Md. Goftan arm with gun at her house and started abusing. They entered inside her boundary and co-accused Md. Gofran told her son Md. Khatib that to ask his father to withdraw the civil suit or will face the consequences. On the order of Goftan, co-accused Abdullah pressed neck of her son and the petitioner assaulted him with *Iron rod* on head and rest of the accused persons assaulted him with fists and slaps, his



son became unconscious and fell down on the earth. Co-accused Md. Wasim snatched golden chain from her son. She and her co-villagers took her son to Kishanpur Hospital, from where he was referred to Supaul Referral Hospital and the doctor found condition serious, from where her son was referred to Darbhanga and referred to P.M.C.H., Patna. She further alleged that five months before, the accused persons committed occurrence with her husband and regarding that her husband gave written information to Kishanpur Police Station.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is case and counter case between the parties. From perusal of order of learned Sessions Judge, Supaul, it is evident that nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Supaul, in connection with Kishanpur P.S. Case No. 161 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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