

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1809 of 2018

Arising Out of PS. Case No.-436 Year-2017 Thana- SIWAN MUFFASIL District- Siwan

Laddu, S/o- Ali Imam Ansari @ Ali Imam Mian, R/o- Village- Pakri
Makariar, P.S.- Dhanauti (O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. SRI NARSINGH TANTI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 324, 307, 379 and 511/34 of the IPC.

The prosecution case, as per the fardbeyan of Murtaja Ansari recorded on 14.09.2017 is to the effect that the informant runs a grocery shop near canal bridge. On 14.09.2017 at 12.10 AM, as there was marriage of family member, the informant being awake, went to his shop and he found that co-accused, Jawed, Sonu, Guddu, Aslam Ansari and the petitioner Laddu were breaking the lock of the shop of the informant, on which the informant raised alarm, thereafter, the accused persons assaulted the informant with knife causing injury on the left eye-brow and when the family members reached there, the accused persons escaped from the scene.



It is submitted by learned counsel for the petitioner that in the background of litigated relationship, the accusation has been levelled. The petitioner is the agnate of the informant. The informant received injury due to fall from motorcycle, but due to enmity, the false case has been lodged. The injury report does not corroborate the accusation, as the accusation is of causing injury with knife, but the injury has been found to be caused by hard and blunt substances. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated accused, Javed, Sonu and Guddu have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 60610 of 2017.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that for the occurrence of 14.09.2017 at 12.30 AM, the FIR has been registered on 15.09.2017 at 10.30 PM, the accusation not being corroborated by the medical opinion and similarly situated accused persons have been granted anticipatory bail, 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, Siwan in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 436 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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