

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12302 of 2018

Arising Out of PS.Case No. -245 Year- 2017 Thana -BAHERA District- DARBHANGA

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Md. Wasim @ Md. Usim S/o Md. Samim, R/o Village- Benipur Hanuman
Nagar, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 28-02-2018

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, 324, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case as per the written
report of Md. Imamuddin dated 02.07.2017 submitted to the
Station House Officer of Bahera P.S. is to the effect that on
02.07.2017 at 8.00 A.M. co-accused Md. Shamim, Md. Jasim,
Md. Chhotu, Md. Laddu, Md. Guddu, Bina Khatoon and the
petitioner Md. Wasim @ Md. Usim surrounded the informant
and petitioner ordered to assault and assaulted with Farsa on the
head of the informant. The informant's wife came to rescue co-



accused Md. Laddu pushed her on the ground with bad intention, Md. Jasim assaulted with spade on her head causing bleeding injury and Bina Khatoon snatched earring and chain worth Rs.45,000/-.

It is submitted by learned counsel for the petitioner that at earlier point of time the petitioner filed Bahera P.S. Case No. 244 of 2017 against the informant with accusation under Sections 307 and 379 of the Indian Penal Code and thereafter the present case has been lodged. A statement has been made in paragraph 9 of the petition that the informant has received only superficial injury and further a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that the learned Sessions Judge has also not mentioned about the nature of injury and specific statement has been made in paragraph 9 of the petition that the informant has received only superficial injury due to the assault made by the petitioner coupled with the statement made in paragraph 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 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, Benipur in connection with Bahera P.S. Case No. 245 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned Court below on verification of the injury caused to the informant. If it is found that the informant has received grievous injury then in that circumstance the bail bonds will not be accepted and the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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