

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70774 of 2018

Arising Out of PS. Case No.-86 Year-2018 Thana- MORKAHI District- Khagaria

Md. Sadab, Son of Md. Chand @ Chand Alam, Resident of Village- Marar,
P.S.- Morkahi, Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad
For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 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 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Md. Mumtaz recorded by S.I. Chandra Shekhar Singh of Chitragupta Nagar P.S. on 12.07.2018 at 11.45 P.M. at Sadar Hospital, Khagaria is to the effect that on the same day at 7.30 P.M. the informant had gone to market to purchase vegetables and when the informant was returning on motorcycle, the accused persons including the petitioner came, abused and assaulted the informant and told him to call his brother Md. Nawab. It is



further alleged that on call when the brother of the informant came, co-accused Kamran and Md. Shahbaz assaulted the brother of the informant with iron rod causing injury. Thereafter, co-accused Md. Salman and Md. Saddam assaulted the informant and his brother by shocker of the motorcycle and caused injury to them. Petitioner Md. Sadab and co-accused Md. Afaq came and assaulted the informant and his brother, co-accused Md. Sohrab took away a gold chain from the neck of the brother of the informant and co-accused Md. Aftab took away mobile and the accused persons threatened the informant not to lodge any case.

It appears that the informant, Md. Mumtaz has received five injuries and his brother, Md. Nawab has received seven injuries and one of the injuries of Md. Nawab has been found to be grievous in nature, as gets reflected from the impugned order.

It is submitted by learned counsel for the petitioner that the accusation of assault is against several persons including the petitioner. Moreover, the informant has retracted from the initial version and filed a petition to that effect before the learned Court below. The petitioner is accused in other case in which he is on bail.



Learned APP submits that the petitioner has assaulted the informant and his brother.

Considering the fact that the accusation of assault has been levelled agaisnt several persons including the petitioner, while only one injury has been found to be grievous and informant has retracted from the initial version, 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 Sub-divisional Judicial Magistrate, Khagaria in connection with Morkahi P.S. Case No. 86 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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