

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20025 of 2018

Arising Out of PS.Case No. -43 Year- 2016 Thana -MORE District- DARBHANGA

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Zeyaul Hassan @ Chand @ Chand Miyan S/o Late Raza Hassan @ Anjarul Hasan, R/o Village- Tharma, P.S.- Gayaghat (O.P. Benibad), District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 324, 307, 379, 380, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Md. Shad Anjum dated 30.08.2016 is to the effect that on 30.08.2016 at 3.00 P.M. the brother of the informant, Nishant Anjum was surrounded by the petitioner and other co-accused persons and they assaulted the brother of the informant for filing petitions against the accused persons and snatched money from him. Thereafter the accused persons came to the house of the



informant when co-accused Jami gave Garasa blow on the head of the informant, thereafter Jugnoo gave a dagger blow on the head of brother of the informant and Faiyaz Hassan assaulted on the head of the informant by butt of pistol. Thereafter, on the order of this petitioner the house of the informant was robbed on pistol point.

It is submitted by learned counsel for the petitioner that the since the informant was on inimical terms from before, since the petitioner side lodged Simri P.S. Case No. 86 of 2016 against the informant at earlier point of time, hence, as a retaliatory measure the present case has been lodged. After perusing the case diary a Bench of this Court came to a conclusion that the only injury found on the head of the brother of the informant was caused by Md. Jami, hence, his prayer for anticipatory bail was rejected, whereas Faiyaz Hassan and Jugnu have been granted anticipatory bail, as contained in Annexure-2. A statement has been made in paragraph 3 of the petition that the petitioner is accused in two other cases, but he has been acquitted in one case, while Moro P.S. Case No. 44 of 2016 registered under Sections 147, 148, 149, 364, 354, 379 and 504 of the Indian Penal Code has been lodged at the behest of the informant side.



Considering the fact that the thrust of accusation is against Md. Jami, 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 Chief Judicial Magistrate, Darbhanga in connection with Moro P.S. Case No. 43 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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