

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62283 of 2018

Arising Out of PS.Case No. -403 Year- 2016 Thana -ARARIA District- ARARIA

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MASROO @ BABLOO@ MASROOR @ MASROOR ALAM, S/o Fasik
@ Md. Fasik, R/o Vill.- Rampur Mohanpur Ward No. 6, P.S.- Araria,
District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhijeet Gautam, Advocate.

For the Opposite Party : Mr. Ajay Kumar-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 323, 324,
504, 307, 506 of the IPC.

The prosecution story, in brief, is that on 29.06.2016
at 3.00 P.M. the petitioner alongwith other co-accused persons
Masrood, Fasik, Askoor and Faiyaz armed with deadly weapons
came at the house of the informant and began abusing him and
when he came out of the house the accused persons assaulted him
with *Lathi* and *Danda*. The petitioner with intent to kill him
inflicted *Farsa* blow on his head causing head injury and bleeding.



When his informant, Shamim Akhtar, brother Imatiaz, Said, Sajid and uncle Md. Salauddin came there, they brutally assaulted them. The reason behind the occurrence is said that the accused Masroor lent amount of Rs. 1,60,000/- from the informant on the eve of marriage and on being demanded, they committed the occurrence. The injured persons brought to Sadar Hospital, Araria for their treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is case and counter case between the parties. Both sides have sustained injuries. The nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is 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 C.J.M. Araria, in connection with Araria P.S. Case No. 403/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

