

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65464 of 2018

Arising Out of PS.Case No. -304 Year- 2017 Thana -PATORI District- SAMASTIPUR

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Md. Akbar Ansari @ Akbar, S/O Md. Sabir Ansari @ Md. Sabir, R/V-Siura, P.S. Patori, District-Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Deepak Kumar Singh, Advocate.

For the Opposite Party : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 324, 307 and 379/34 of the IPC.

The prosecution story, in brief, is that on 26.08.2017 at about 8.00 P.M., the informant asked from co-accused Md. Sabir about beating of his brother in the meantime, Md. Akbar Ansari (petitioner) and co-accused Akhatar came besides him and gave knife blow on his head. It is also alleged that accused persons including the petitioner armed with *Lathi*, *Farsa* and *knife* came there and began to indiscriminately assault the informant and other persons. Md. Akbar Ansari (petitioner) also took away gold chain



weighting one *Bhar* from wife of the informant and co-accused Md. Akhtar took away one and half *Bhar* gold chain from the neck of the informant.

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. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands. Nature of injury caused to the informant side is said to be simple in nature. No offence under Section 307 of the I.P.C. is made out in the present case.

On behalf of the learned counsel for the State, it has been 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. Samastipur, in connection with Patori P.S. Case No. 304 of 2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

