

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1922 of 2018

Arising Out of PS.Case No. -386 Year- 2017 Thana -MINAPUR District- MUZAFFARPUR

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Md. Wakil, Son of Md. Haidar @ Md. Haidar Ali, Resident of Village – Ali Neura, P.S. – Daud Chhapra, P.S. – Minapur, District – Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 15-01-2018

Heard Mr. Sunil Srivastava, learned counsel

for the petitioner, Mr. J.N. Thakur, learned Counsel for the State and Mr. Sanjay Kumar, learned counsel for the informant.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Rubaida Khatoon submitted to the SHO of Minapur police station is to the effect that on 04.10.2017 at 8.00 P.M. the informant was cooking food, the petitioner, co-accused Md. Chand and Md. Wazir came at her door and started abusing the informant. On protest being made by the informant the accused persons started assaulting him with lathi and danda. Co-accused Md. Chand started tearing the clothes of the informant then upon



alarm being raised by the informant, Md. Rahul came to rescue her, thereupon the petitioner, Md. Wakil assaulted with sword on his neck causing bleeding injury. It is further alleged that all the accused persons threatened the informant to vacate the house, failing which, all the family members will be killed. Co-accused Md. Wazir snatched Rs.1,000/- from the packet of Md. Rahul and Md. Imtiyaz snatched nose pin from the informant.

It is submitted by learned counsel for the petitioner that the petitioner is agnate of the informant. Though, there is accusation of assaulting with rod but there is no injury report on the record till date nor learned Sessions Judge has discussed about the nature of injury. The petitioner has been roped in the present case due to the land dispute and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that there is specific accusation against the petitioner to have caused injury with sword on the neck of Md. Rahul and Md. Rahul is being treated at SKMCH, Muzaffarpur.

Considering the rival submissions of the parties, keeping in view the accusation being levelled in the background of land dispute and 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 Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 386 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present bail order will be effective if it is found by the learned Court below that no grievous injury on the neck of Md. Rahul has been caused and in case of grievous injury being found on the neck of Md. Rahul, in that circumstance, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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