

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72774 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- AMDABAD District- Katihar

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Shekh Anwar, Son of Shekh Azad (Wrongly Mentioned in the F.I.R. as Son of Shekh Naushad), Resident of Village-Chakwa Tola Bairiya, P.S. Amdabad, District-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate.
For the Opposite Party : Smt. Sahin Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-12-2018 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, 504, 323, 325 and 307/34 of the IPC.

The prosecution story, in brief, is that the younger brother of informant with the conspiracy with his mother registered one *Bigha* land from his ancestral properties in his name and he is not ready to give share from the land. In this matter, all the accused persons came and abusing him. On protest, all the accused persons assaulted him and accused Sheikh Anwar (petitioner) inflicted *rod* on his left hand for



which his hand was fractured. It is also stated that co-accused Julfekar assaulted him when his wife Meena Khatoon came to save him, she was also sustained injury.

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. The alleged occurrence is said to have taken place due to land dispute. The petitioner is said to have assaulted on non-vital part of the body of the victim. 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 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 J.M. Ist Class, Katihar, in connection with Amdabad P.S. Case No. 158 of 2018, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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