

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72119 of 2018

Arising Out of PS. Case No.-239 Year-2018 Thana- KADWA District- Katihar

Shamim, son of Late Kasim, resident of Village- Baniyatoli, Police Station-
Balua Belon, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajendra Prasad Sah, Advocate.
For the Opposite Party : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 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, 323, 307, 504 and
506/34 of the IPC.

The prosecution story, in brief, is that on the date of
occurrence, accused persons including the petitioner surrounded
the informant while she was going to shop, and assaulted her. In
course of occurrence, this petitioner assaulted the informant on
her head by *Hammer*, causing head injury.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. The
petitioner has falsely been implicated in the present case. There
is no allegation of tampering with the witnesses alleged against



the petitioner. Nature of injury is said to be simple. 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IV, Katihar, in connection with Kadwa (Balial Belon) P.S. Case No. 239 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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