

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2831 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- BIHARIGANJ District- Madhepura

Md. Akbar aged about 35 years, S/O Md. Sharif, Resident of Village-Jotaioli
(Idgah Tola) PS - Bihariganj, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nafisuzzoha, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2019 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 323, 341, 307, 354(A),
379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 04.06.2018
at about 6.30 A.M. children of the informant and Md. Akbar
(petitioner) were quarreling each other and when the informant
went to separate both children from quarreling then the
petitioner Md. Akbar and five F.I.R. named co-accused persons
holding *Lathi, Three-nut, Gardasa, Bhala, Dabiya* and *brick-*
stone in their hands abused and assaulted the informant at his
Darwaja and there are signs of assault at several parts of his
body. It is further alleged that the petitioner Md. Akbar assaulted



him with *Gardasa* causing cut injury on his head. It is further alleged that on seeing the informant in injured condition when informant's wife Fato Khatoon and informant's brother Md. Nejam came to save the informant then all six accused persons including the petitioner assaulted them very badly, which caused injuries to them. Co-accused Md. Shamo torn the wearing suit-salwar of the informant's wife and co-accused Md. Sharuk snatched silver locket from the neck of wife of the petitioner.

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. There is case and counter case between the parties. As per allegation, single blow of *Gadasa* is alleged to have been given by the petitioner. There is no repetition. No offence under Section 307 of the IPC is made out. There was no intention to commit murder of the victim.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. One of the injuries is said to be grievous in nature.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The



same is rejected in connection with Bihariganj P.S. Case No. 127/2018, pending in the court of learned J.M. Ist Class, Udakishunganj at Madhepura. Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court preferably on the same day.

(Sudhir Singh, J)

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