

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4200 of 2019

Arising Out of PS. Case No.-14 Year-2017 Thana- PIPRA District- Supaul

Md. Allam Khan @ Md. Alam Khan son of Md. Sultan Khan Resident of
Village- Thathi Bhawanipur, P.S. Pipra, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 12.12.2018 in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307,379 and 448 of the I.P.C.

The prosecution case as per the written report of Jiyar Khan dated 13.1.2017 submitted to the SHO, Pipra Police Station is to the effect that on the same day at 1.30 P.M. 11 accused persons including the petitioner came variously armed. It is alleged that the petitioner assaulted on the leg of the informant causing cut injury, as a result he fell down. Thereafter, co-accused Noorsalam assaulted Kasiul Khan with iron rod on his left hand, right thigh and back. It is further alleged that co-accused Jizwan Khan assaulted Mosmat Akhimun with lathi on her back and chest and co-accused



Asmin Khan entered into the house and assaulted Md. Dilshad Khan, Saddam Khan and Saheb Khan and the petitioner and co-accused Raju Khan took away Rupees Forty two thousand from the box of Saheb Khan.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. Though the injury of the informant suggests that the same has been found to be grievous but there is no accusation of repeating the blow. It is further submitted that the case lodged by the petitioner's side being Pipra P.S. Case No. 12 of 2017 is earlier in point of time. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the fact that there is no accusation of repeating the blow and the case lodged by the petitioner's side is at earlier in point of time, coupled with the period in custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- III, Supaul in connection with Pipra P.S.



Case No. 14 of 2017.

(Dinesh Kumar Singh, J)

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