

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4144 of 2019

Arising Out of PS. Case No.-311 Year-2018 Thana- MAHUA District- Vaishali

Md. Shoyab, Son of Md. Naim, Resident of Village- Siandarpur, Mangrahi,
P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.11.2018 in a case registered for the offences punishable under Sections 341, 323, 504, 506, 354, 379 and 307/34 of the Indian Penal Code.

The prosecution case as per the ferdbeyan of Md. Faiyaz recorded by SI Shyam Singh, P.M.C.H., T.O.P., dated 01.10.2018 at 3.15 P.M., is to the effect that on 30.09.2018, the informant went to attend a marriage ceremony to Muzzafarpur and when he was returning back to his village, then at about 1.00 A.M., there was road blockage at his village, due to



marriage ceremony of daughter of one Md. Mukhtar and son of one Md. Naim. In the meantime, informant requested to clear the road, whereupon the petitioner became angry and did not clear the road and consequently, the fight between the both sides arose. It is further alleged that the petitioner assaulted on the head of the informant with an iron rod.

It is submitted by learned counsel for the petitioner that the accusation of assault with iron rod is against the petitioner, but there is no accusation of repeating the blow and there is counter version of the occurrence being Mahua P.S. Case No.310 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that there is specific accusation of assault against the petitioner on the head of the informant with an iron rod, which is grievous in nature.

Considering the genesis of the occurrence and there is no accusation of repeating the blow, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned **CJM, Vaishali at Hajipur** in connection with **Mahua P.S. Case No. 311 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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