

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7085 of 2019

Arising Out of PS. Case No.-751 Year-2018 Thana- ARARIA District- Araria

MD. RAKEEB Son of Late Hateemuddin Resident of Village - Bauchhi, Ward
No.-05, P.S. Araria (Bairgachhi) District Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.R.N.Jha(APP 46)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 28.11.2018 (wrongly mentioned in the impugned order as 28.11.2019) in a case registered for the offences punishable under Sections 323,341,325,326,307,354B,380 and 504/34 of the I.P.C.

The prosecution case as per the written report of Sohel submitted to the SHO, Araria (Bairgachhi) Police Station is to the effect that that on 23.10.2018 the informant along with his wife was digging soil from his land, which was protested by all FIR named accused persons and 2-3 unknown persons but the issue was pacified by the villagers. It is further alleged that on the same day at 5.30 P.M., all the accused persons came variously armed when the petitioner caused fracture injury on the leg of the informant with an iron rod. Co-accused Anaitullah



caused fracture injury with Farsa on the back of the informant's son, namely, Md. Fahad. When Bibi Nasrin came to rescue, the petitioner is alleged to have assaulted her on head with Farsa and also to the informant's wife and the accused persons disrobed Bibi Nasrin. It is also alleged that the petitioner entered into the shop of the informant and took away Rs.7600/- kept in the cash box.

It is submitted by learned counsel for the petitioner that for the occurrence of 23.10.2018, the FIR was registered on 2.11.2018 and there is no explanation for such inordinate delay. It is further submitted that the only injury, grievous in nature, alleged to have been caused by the petitioner is the fracture injury on the leg of the informant whereas the injury of Bibi Nasrin has been found to be simple in nature. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation of causing grievous injury is specific against the petitioner.

Considering the delayed lodging of the case and the genesis of the occurrence appears to be the land dispute and the period under custody, coupled with the fact that the petitioner is not having any criminal antecedent, 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 CJM, Araria in connection with Araria (Bairgachhi) P.S. Case No.751 of 2018.

(Dinesh Kumar Singh, J)

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