

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10706 of 2019

Arising Out of PS. Case No.-556 Year-2017 Thana- SAUR BAZAR District- Saharsa

Md. Mustak @ Mustak @ Musthupha Shah, aged about 32 years, Male, Son of Md. Karim, Resident of Village -Milatnagar, Patarghat (Ward no. 9), P.S. Sour Bazar, District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Satya Veer, Advocate
For the Opposite Party : Mr.Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 354, 379, 307, 504, 506 and 34 of the Indian Penal Code registered in connection with Sour Bazar (Patarghat O.P) P.S. Case No. 556 of 2017. Subsequently, Section 302 of the IPC has been added.

3. It is submitted that the petitioner has been falsely implicated and there is no material contradiction in the FIR version with respect to the manner of assault and the weapon used and in the version contained re-statement of the informant. It is alleged in the FIR that the petitioner has assaulted with *Farsa* on the head of the informant whereas in his re-statement, the informant has alleged the use of iron rod by the petitioner.

4. Learned APP invites reference to the post mortem report which discloses that there is head injury on the deceased which is stated to be the cause of death.

5. Having regard to the nature of accusations, gravity of offence alleged; and that the petitioner is said to be the main assailant



having assaulted the deceased on the head, this Court is not inclined to grant anticipatory bail to him. The anticipatory bail petition stands dismissed.

6. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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