

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15374 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- THAWE District- Gopalganj

Sagir Ahmad @ Sagir Ahamad, S/o Late Abbul Aziz, Resident of Village-Kavilaspur ,P.S.-Thawe, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is languishing in custody since 25.02.2018 in connection with Thawe P.S. Case No.19 of 2018 registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

Prosecution case got initiated as per the fardbeyan of Rahul Kumar recorded by Sub Inspector, Sambhu Manjhi, dated 18.02.2018 at 4:25 P.M. submitted to the S.H.O. Thawe Police Station which is to the effect that on 17.02.2018 at 7:00 P.M., the informant was returning from his work, in the mean time, five persons borne on three motorcycles surrounded the informant and started abusing and assaulting and on alarm being raised, when nearby people came, all of them flee away. Thereafter, the informant along with his uncle went to complain



about the incident to the petitioner's shop, when the petitioner Sagir Ahmad assaulted the informant's uncle by giving sword blow, causing head injury, as a result, he became unconscious and fell down on the ground and when the informant came to rescue, he was also assaulted by the petitioner and his family members.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case and there is a counter case filed by the petitioner's side being Thawe P.S. Case No.20 of 2018. There is no repetition of the sword blow which reflects that the petitioner had no intention to kill the informant's uncle. The injury report suggests only one sharp cut on the skull and pain and swelling on the right hand. It is further submitted by learned counsel for the petitioner that the bail of this petitioner has earlier been rejected by a Co-ordinate Bench of this Court vide order dated 03.08.2018 passed in Cr. Misc. No.29332 of 2018 with a liberty to renew his prayer for bail after six months.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and 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 fact that earlier the bail of this petitioner has been rejected with liberty to renew his prayer for bail after six months, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Thawe P.S. Case No.19 of 2018.

(Dinesh Kumar Singh, J)

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