

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16157 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- KOTWALI District- Munger

MD. DILLO @ MD. DILO @ SAMEER Son of Md. Firoz R/o Mohalla-
Topkhana Bazar, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Ambastha

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Kotwali P.S.Case No. 11 of 2019 registered under Sections 147, 148,149,290,323,341,353 and 504 of the Indian Penal Code.

Allegation against the petitioner is that he assaulted one Kamal Kishore while he was parking his motorcycle in front of fruit *Thela* of the petitioner.

Learned counsel for the petitioner submits that allegation of assault on Kamal Kishore is not correct inasmuch as the person, who has allegedly been assaulted by the petitioner, has not lodged the FIR and the police himself has become informant and lodged this case against the petitioner only due to the fact that petitioner is a fruit vendor and is selling fruits on *Thela* by road side. He further submits that there is no injury upon the person who has allegedly been assaulted by the petitioner.



On the other hand, learned counsel for the State submits that from the case diary, it appears that no injury report has been prepared for the alleged injury caused to one Kamal Kishore, however, he opposes the prayer for anticipatory bail on the ground that some of the friends of the petitioner tried to obstruct the police force in discharge of their duty.

After having heard learned counsel for the parties and taking into consideration the fact that no injury has been caused to the alleged person and the fact that the alleged altercation had caused due to parking of motorcycle, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM I/C, Munger in connection with Kotwali P.S. Case No. 11 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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