

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19569 of 2019**

Arising Out of PS. Case No.-51 Year-2018 Thana- DHANKUND District- Banka

Md. Aziz @ Ajjo @ Ajji, Son of Late Md. Sayeed, Resident of Village-Hasay
Tola Taiyadih, Police Station-Dhankund, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 05.12.2018 in a case registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report of Bibi Hamida submitted to the Station House Officer of Dhankund Police Station, is to the effect that on 20.05.2018, the informant's son, Aslam was sitting near his door, in the meantime, petitioner and co-accused Abdul Majid came and asked the son of the informant to pluck the mango from his tree



and when the son of the informant shown inability then they assaulted the son of the informant causing fracture injury to his left leg.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general. Though the injury has been found grievous but for the occurrence of 20.05.2018, the FIR has been registered on 29.05.2018 and investigation already being concluded. Moreover, similarly situated co-accused Abdul Majid has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.11.2018 passed in Cr. Misc. No. 66677 of 2018. A 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 is specific against the petitioner.

Considering the genesis of the occurrence, investigation has already been concluded and similarly situated co-accused has been granted bail, coupled with the statement made in paragraph 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 Chief Judicial
Magistrate, Banka in connection with Dhankund P.S. Case No.
51 of 2018.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

