

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20094 of 2019

Arising Out of PS. Case No.-180 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Md. Samar @ Sammar Raja, Son of Md. Nehal @ Nehal Hussain Resident of
Village- Rajabari, P.S.- K.Hat (Sahayak), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 13.02.2019 in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the fardbeyan of Md. Harish, recorded by Sanjay Kumar Mishra, A.S.I., of Police, on 30.03.2017, at Sadar Hospital, Purnea, is to the effect that the son of the informant purchased a motorcycle from the petitioner one year prior to the lodging of the FIR, but the ownership of the motorcycle was not transferred to the informant's son and when the son of the informant made protest for transfer of the



ownership of the vehicle in question, then he was assaulted by the petitioner and other co-accused persons with iron rod, butt of the revolver and lathi. It is further alleged that all the accused persons snatched a mobile phone and a gold chain from the son of the informant.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner. The injury of the son of the informant has been found superficial simple in nature. Moreover, the informant has retracted from his initial version and filed a petition to that effect before the learned Court below.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the nature of injury found by the doctor, retracted version of the informant and period under custody, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 180 of 2017.

Since the FIR was lodged in the year 2017 and the petitioner surrendered in the year 2019, the learned Court below



will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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