

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25794 of 2019

Arising Out of PS. Case No.-195 Year-2018 Thana- PHULWARISHARIF District- Patna

Azhar Khan @ Md. Azhar Imam @ Kallu Harami @ Kallu S/O Mustafa @
Mustafa Sipahi, Resident of Mohalla- Naya Tola, Isha Nagar, P.S.- Phulwari
Sharif, District- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 386, 337, 427 & 504 the Indian Penal Code.

Petitioner along with other accused persons is said to have descended at the house of the informant and co-accused Kallu Harami assaulted on the chest of the informant by means of iron rod while other accused persons assaulted the wife of the informant by fists and demanded Rs.1,80,000.00 as extortion. They also damaged the window pane of his house by hurling the stone.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. There is case and counter case between the parties. The allegation of assaulting on the chest of the informant, which as



per the impugned order is grievous in nature, is not attributed to the petitioner rather to co-accused Kallu Harami. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Sheikh Mahboob Alam and others and Azhar Khan @ Md. Azhar Imam have already been enlarged on anticipatory bail in Cr. Misc. No.46637 of 2018 vide order dated 16.07.2018 and Cr. Misc. No.25794 of 2019 vide order dated 09.04.2019 by different co-ordinate Bench of this Court. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-XV-cum-ACJM, Patna in connection with Phulwarisharif P.S. Case No. 195 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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