

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35543 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- RAFIGANJ District- Aurangabad

Jamaluddin Khan @ Jamal Khan, Son of Late Jainuddin Khan Resident of
Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Rafiganj P.S.Case No. 41 of 2019 registered under Sections 147,148,149,323,324,307,341,504 and 506 of the Indian penal Code.

Allegation against the petitioner, as per FIR, is that he assaulted Wakil Khan, brother of the informant by means of *Garasa* causing injury to him.

Submission of learned counsel for the petitioner is that there is case and counter case in between the parties inasmuch as on the date of occurrence, a fight had taken place between both sides and side of the petitioner has got the FIR lodged first bearing Rafiganj P.S.Case No. 40 of 2019. He further submits that present FIR is a counter blast and in retaliation to the FIR



lodged by the petitioner's side. He further submits that from perusal of injury report, it appears that injury caused by the petitioner, as alleged in the FIR, is simple in nature and not caused by sharp cutting weapon like *Garasa*.

Learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is grievous injury on the shoulder of Wakil Khan as such petitioner does not deserve for anticipatory bail.

After having considered the rival submissions of both parties and having gone through the FIR as well as the injury report, there appears to be case and counter case between the parties and both sides have received injuries. Further, as per allegation against the petitioner that he had assaulted Wakil Khan by means of *Garasa* but no injury caused by sharp cutting weapon like *Garasa* has been found in the injury report and injury appears to be simple in nature.

Accordingly, 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, is directed 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, Aurangabad in connection with Rafiganj P.S.



Case No. 41 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that petitioner shall remain physically present on each and every date during trial and shall co-operate in investigation, otherwise his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

sujit/-

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

