

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39183 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- ALOULI District- Khagaria

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Md. Naushad @ Mohammad Naushad Alam Son of Md. Mustkim @
Mustkim Resident of Village - Roun, P.S.- Allouli, District - Khagaria
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Alouli P.S.Case No. 432 of 2018 registered under Sections 147, 148, 307, 323, 324, 337, 338, 341, 427 and 448 of the Indian penal Code.

Allegation against the petitioner along with others is that they entered into the house of the informant and started abusing and at that time, Md. Shaheb and Lal Mohammad were armed with gun and Md. Ali Raj was armed with iron rod. Md. Ali Raj gave Bhala blow causing injury on the head of the daughter of the informant namely Reshma Khatoon and petitioner along with others started to assault the informant with *lathi*.

Submission of learned counsel for the petitioner is that there is case and counter case in between the parties inasmuch as petitioner's side had also sustained injury on the day of occurrence for which petitioner's side lodged Alouli P.S. Case



No. 431 of 2018, which is prior to the case lodged by the informant against the petitioner. He submits that injury found on the person of the daughter of the informant is simple in nature.

After having heard both sides and perusal of materials on record, it appears that there was case and counter case and the case lodged by the side of the petitioner was prior to the case lodged by the informant and further injury caused to the daughter of the informant was simple in nature inflicted by one Md. Ali Raj and not by the petitioner as such I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the facts and circumstances, let 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 Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 432 of 2018; 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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