

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42069 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- FORBESGANJ District- Araria

MD. AFSAR S/o Md. Tauhid R/o village- Purwari Jhiruwa, P.S.- Simraha,
Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Thakur
For the State	:	Mr.Akbar Ali
For the Informant	:	Mr.Mukesh Kumar, Rana

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 447, 341, 323, 324, 325, 307, 327, 379, 504/34 IPC registered in connection with Forbesganj (Simraha) P.S.Case No. 193/2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. The accusation of assault is general and omnibus in nature and the injuries are simple in nature. The fracture injury by hard blunt substance said to have been sustained by the informant's brother on the omnibus assault by the accused persons cannot be attributed to the petitioner, who is said to have been armed with a sword. The petitioner claim clean antecedents,

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* oppose the anticipatory bail petition.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Araria, in connection with Forbesganj (Simraha) P.S.Case No. 193/2019 , subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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