

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50150 of 2019

Arising Out of PS. Case No.-303 Year-2019 Thana- BIHARSHARIF District- Nalanda

1. MD. IQBAL @ IQBAL Son of late Mokhtar Resident of Mohalla - Banaulia, P.S.- Bihar, Distt - Nalanda.
2. Md. Kasim Javed @ Md.Qasim Javed Son of Md. Javed Resident of Mohalla - Banaulia, P.S.- Bihar, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-08-2019 Learned Counsel for the petitioner, at the very outset, submits that the petitioner no. 1, Md. Iqbal @ Iqbal, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 1 is concerned, has become infructuous.

Accordingly, this application, so far as petitioner no. 1, Md. Iqbal @ Iqbal is concerned, is dismissed as having become infructuous.

Heard learned Counsel for the petitioner no. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bihar Police Station Case No. 303 of 2019, disclosing



offences under Sections 341/323/325/504/506/307/379/295
(a)/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioner no. 2, along with others, surrounded and assaulted the informant, causing injury to the informant. It is alleged against the petitioner no. 2 that he was also present along with other co-accused persons at the time of assault.

Learned Counsel for the petitioner no. 2 submits that no overt act has been alleged against the petitioner no. 2 in the First Information Report and 11 persons have been made accused and the petitioner has only been shown to be the member of unlawful assembly. He further submits that there is case and counter case. He further submits that the injury caused to the informant is not on the vital part of the body, as would be evident from the forwarding letter of the police to the Medical Officer, Sadar Hospital, Biharsharif, Nalanda.

After having heard learned Counsel for the parties and taking into consideration the fact that no overt act has been alleged against the petitioner no. 2 in the First Information Report and the petitioner no. 2 has only been shown to be the member of the unlawful assembly, I am inclined to grant the



petitioner no. 2 privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner no. 2, Md. Kasim Javed @ Md. Qasim Javed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, at Biharsharif, in connection with Bihar Police Station Case No. 303 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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