

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53204 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- ABADPUR District- Katihar

1. Rahamat Ali s/o Md. Muslim, resident of Dholdangi, P.S.- Abadpur, District- Katihar.
2. Md. Musabir @ Musabir @ Md. Musabil S/O Late Sabir Resident of Dholdangi, P.S.- Abadpur, District- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Abadpur P. S. Case No.85 of 2019 registered under Sections 341, 323, 325, 307, 384, 379, 354B, 504 and 506/34 of the Indian Penal Code.

At the outset, it is submitted by the learned counsel for the petitioners that during the pendency of the application, petitioner no. 2 Md. Musabir @ Musabir @ Md. Musabil has already been arrested.

In that view of the matter, the instant application



under Section 438 of the Code of Criminal Procedure as against petitioner no. 2 is dismissed as not maintainable.

So far as petitioner no. 1 is concerned, it is submitted by the learned counsel for the petitioner that no offence as alleged is made out. Out of seven injuries sustained by the alleged victim, six are superficial and nature mentioned in the injury report is simple. As far as seventh injury is concerned, the nature of the injury has been mentioned as grievous as X-ray plate showed fracture of left Ulna. It is contended that there was a minor scuffle in which the informant had sustained simple and superficial injury. It is further contended that the petitioner has got roots in the society and is not likely to abscond or tamper with the evidence.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioner no.1.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below, the petitioner no.1, namely, Rahamat Ali is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in



Abadpur P. S. Case No.85 of 2019, subject to the conditions as
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J)

kanchan/-

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

