

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59504 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- ROH District- Nawada

Md. Esha @ Chunnu @ Md. Isha Son of Md. Musha Resident of Village -
Maruai, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Roh P.S. Case No. 21 of 2019, registered under Sections 341, 323, 307, 379, 387, 354, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per FIR, is that the petitioner along with other accused persons arrived at the house of the informant and petitioner pulled the informant to the floor by holding her hair.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as both the parties are co-villagers. He further submits that petitioner has been implicated in this case due to previous enmity and Roh P.S. Case No. 37 of 2017 has been lodged by



the side of the petitioner against the informant and others.

Learned counsel for the petitioner relying upon Annexure-3 submits that injury caused to the informant is simple in nature. He further relying upon Annexure-4 series submits that similarly situated accused persons have been granted anticipatory bail in CrI. Misc. No. 21338 of 2018.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that petitioner has concealed the material facts inasmuch as the petitioner has made accused in Roh P.S. Case No. 32 of 2005, but the same has not been stated in the paragraph no.3 of this application, upon which learned counsel for the petitioner submits that he has filed supplementary affidavit bringing on record the criminal case against him and submits that police has submitted final report not sending the petitioner in trial and in bonafide belief he did not mention the criminal case bearing Roh P.S. Case No. 32 of 2005 against the petitioner in paragraph no.3 of this application.

After having heard learned counsel for the parties and taking into consideration the fact that injury caused to the informant is simple in nature and similarly situated accused persons have been granted anticipatory bail by this Court, I am



inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Additional Chief Judicial Magistrate – 4, Nawada in connection with Roh P.S. Case No. 21 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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