

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66208 of 2018

Arising Out of PS. Case No.-216 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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Md. Taslim, Son of Late Usman, Resident of Village -J hunni Istambrar Purab
Tola P.S.K.Nagar Distt.-Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323,504, 379,34
of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Md. Ekbal submitted to the Station House Officer, K.
Nagar, Police Station is to the effect that on 09.06.2018 at 5.00
P.M., the informant went to market for purchase of household
articles, then four accused persons, including the petitioner,
surrounded the informant and on the order of co-accused, Md.
Shami, one Md. Ibrahim, caught hold the informant while other
co-accused persons assaulted him with *lathi*. Thereafter, co-



accused, Md. Shami ordered to kill the informant upon which, petitioner Md. Taslim assaulted on the head of the informant with *lathi*, which caused an injury below his left eye. Thereafter, other accused person assaulted the informant with fists and slaps. It is also alleged that co-accused, Md. Shami took away a wrist watch worth Rs.2000/- while co-accused, Md. Raja took out Rs.10,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that though the specific accusation of assault by causing injury below the right eye of the informant has been levelled against the petitioner Md. Taslim, but in fact, the informant is a mason and he received the injury while doing construction work. It is further submitted that the occurrence is of 09.06.2018, while the FIR was registered on the basis of written report on 19.06.2018 i.e. after ten days of the occurrence. It is further submitted that the victim was examined by the doctor on 14.06.2018 and the doctor has not found any injury on any part of the body of the informant, when there is omnibus and general accusation of assault being levelled against several persons. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State after going



through the case diary that there is specific accusation of assault is against the petitioner and the informant has received grievous injury below his right eye.

Considering the delayed lodging of the FIR, the accusation of assault being omnibus and general against all accused persons, including the petitioner, being not corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea, in connection with K. Nagar P.S. Case No.216 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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