

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83488 of 2019

Arising Out of PS. Case No.-267 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

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NASIM KHAN Son of Suhail Khan Resident of Village- Karari, P.S.-
Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2019 Heard learned counsel for the petitioner, O.P. No. 2 and
learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 341,323, 504 & 307 of the Indian Penal Code.

The prosecution case in short is that in the backdrop of grazing the cattle, dispute arose and in consequence thereof, the accused persons having armed with Lathi-Danda and Guns encircled the informant-party and opened fire. Assault was also made by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. Due to petty dispute, the occurrence is alleged to have taken place. There is case and



counter case between the parties. The accused side has also sustained injuries in the said occurrence. The injury on the side of the accused has not been explained by the prosecution. Admittedly, the prosecution has tried to suppress the facts. Hence, the prosecution case cannot be relied upon. As per allegation, the injury is said to have been caused on the non-vital part of the body. Further the nature of injury is said to be simple.

On behalf of the State and O.P. No. 2 , it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 267 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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