

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10843 of 2020

Arising Out of PS. Case No.-623 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

AMRUDDIN MIAN @ AMRUDDIN MIYA @ AMIRUDDIN AHMAD @
KHALIFA Son of Md. Sharif R/o Village - Takiya Yakub, P.S. - Gopalganj,
District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Surendra Prasad Sinha, Advocate
For the State	:	Mr. Umesh Lal Verma, A.P.P.
For the informant	:	Mr. Raghav Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-07-2020 Heard Mr. Surendra Prasad Sinha, learned counsel

for the petitioner, Mr. Raghav Prasad, learned counsel for

the informant and Mr. Umesh Lal Verma, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner apprehends arrest in connection with

Gopalganj P.S. Case No. 623 of 2019 registered for the

offences punishable under Sections 341, 323, 307, 379 and

427/34 of the Indian Penal Code 1860.

The allegation against the petitioner is that he

along with other accused persons assaulted the informant

with iron rod causing injuries to him.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the informant is a person of criminal antecedent and altogether five cases are pending against him which have been explained in paragraph-4 of this application. Learned counsel further submits that the informant has bad eyes on the daughter of the petitioner. He had filed a Matrimonial Case bearing Matrimonial Case No. 104 of 2017 before the Principal Judge, Family Court, Gopalganj, seeking restitution of conjugal rights of daughter of the petitioner under Section 281 of Muslim Law. Learned counsel referring to the judgment/order passed by the family Court at Annexure-3 submits that the application for restitution of conjugal rights has been dismissed by the Family Court on the ground that the informant/petitioner therein has failed to prove the factum of marriage with the daughter of the petitioner. Learned counsel further submits that due to the previous enmity, the present First Information Report has been lodged against the petitioner and other persons based upon the concocted story inasmuch as the informant had met with an accident and a false case of assault has been



lodged against the petitioner and others. Learned counsel referring to Annexure-4 submits that the injuries caused to the informant have been found to be simple in nature.

Learned counsel for the informant on the other hand has vehemently opposed the prayer for anticipatory bail and submits that there is direct allegation against the petitioner of assaulting the informant and the informant received injuries on his head. As such, the petitioner does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that it appears that both the parties had previous enmity and injuries caused to the informant are simple in nature, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall 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, Gopalganj, in connection with Gopalganj P.S. Case No. 623 of 2019,



subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

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

