

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7044 of 2020

Arising Out of PS. Case No.-121 Year-2019 Thana- BARHARA KOTHI District- Purnia

MD. NOOR ALAM Son of Late Samsul Resident of Village - Basudeopur,
P.S. - Barhara, Distt - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh. Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-08-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Barahara PS Case No. 121 of 2019 registered under Sections 341, 323, 324, 307, 504 and 506/34 of the IPC.

The allegation against the petitioner is of assaulting the informant at 2 PM in the night when he had gone to ease himself. The assault is attributed by means of Khanti.

Learned Counsel for the petitioner submits that it is a case of false implication. The informant in fact had misbehaved with the petitioner's wife. The petitioner in retaliation pushed him leading to the injury. The allegation of assault by means of Khanti is grossly unsustainable in view of the fact that the petitioner is a handicapped



person having amputated legs as per handicapped certificate dated 24.6.2016 issued by the Civil Surgeon cum Chief Medical Officer Purnea, soft copy of which he has forwarded to this Court

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Purnea in Barhara PS Case No. 121 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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