

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11894 of 2020**

Arising Out of PS. Case No.-513 Year-2019 Thana- KORHA District- Katihar

MD. SAFIKUL @ SAFIKUL Son of Late Kalimuddin Resident of Village-
Baura, P.S.-Korha, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 25-08-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Korha P.S. Case no. 513 of 2019 registered under sections 307, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, the seven named accused persons including the petitioner herein are stated to have come variously armed in order to give effect to the occurrence. The motorcycle of the informant was forcibly stopped and the maternal uncle of the informant was assaulted with a lathi. It is further stated that the informant's maternal uncle was assaulted with an iron rod by the petitioner on his head as a result of



which he fell down unconscious. The accused persons took away Rs. 1.7 lacs.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and incorrect. There is case and counter case between the parties and the correct version having been stated in the case lodged by the petitioner which is brought on record as Annexure 3 to the petition. It is further submitted that from the injury report of the maternal uncle of the informant which has also been brought on record as Annexure 2 series, in the opinion of the doctor, the nature of injury was simple. On instruction it is finally submitted by learned counsel for the petitioner that in the case lodged by the petitioner, the accused person who also caused injury with sharp substance have been enlarged on anticipatory bail vide order dated 20.1.2020 passed in ABP no. 1949 of 2019 by the learned Sessions Judge, Katihar.

The application for bail is opposed by learned counsel for the State who submits that there is direct allegation against the petitioner of having given a blow with an iron rod on the head of the informant's maternal uncle.

The case diary called for in the case has been received.



Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, there being case and counter case between the parties and the nature of injury being simple, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Korha P.S. Case no. 513 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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