

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24878 of 2020

Arising Out of PS. Case No.-91 Year-2019 Thana- BALIGAON District- Vaishali

SITARE @ MD. NISAR ALAM S/o Mohammad Shafi Alam Resident of
Village-Beladam, P.S.-Baligaon, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-10-2020 Heard Ms. Rina Sinha, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with

Baligaon PS Case No. 91/2019 registered for the offence

punishable under Sections 147, 148, 323, 324, 325, 307, 153A,

295 and 427 IPC.

3. The allegation against the petitioner, as per First

Information Report, is that on 10.09.2019, the informant was

standing at his door near husk room, two *Tajias* were coming

from the side of Panchayat Bhawan. It has further been alleged

that altogether 100 people were there in the procession along

with some 15 to 20 miscreants having been armed with

weapons. The miscreants came to the informant hurling sword

and assaulted him due to which upper part of elbow of the



informant received cut injury. It has further been alleged that the accused persons started throwing stones upon the house of the informant causing injury to his father and niece.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the present FIR has been lodged with oblique motive. Learned counsel referring to Annexure-2/1, submits that petitioner was also made an accused for the same occurrence in Baligaon PS Case No. 88/2019 lodged by the SHO, Baligaon in which, the petitioner has been granted anticipatory bail by the learned Additional Sessions Judge-X, Vaishali at Hajipur in ABP No. 3250/2019 dated 06.01.2020. Learned counsel referring to Annexure-1, i.e. FIR, submits that for the same incident, the petitioner gave *Fardbeyan* before Patepur Police Station on 10.09.2019 which was forwarded to the Baligaon PS by Patepur PS and then the present case bearing Baligaon PS Case No. 91/2019 has been registered.

5. Learned counsel for the petitioner next submits that allegation against the petitioner is general and omnibus in nature and the injury caused to the informant has been found to be simple.

6. Having regard to the submissions made by the



parties and taking into consideration the material on record and the fact that for the same occurrence two FIRs have been lodged, one by the police and another by the informant in different police stations and in the first case, petitioner has been granted anticipatory bail by the learned Additional Sessions Judge-X Vaishali at Hajipur vide Annexure-2/1, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, SITARE @ MD. NISAR ALAM shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, 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, Vaishali at Hajipur in connection with Baligaon PS Case No. 91/2019, subject to the conditions as laid down under Section 438(2) CrPC.

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

(Anil Kumar Sinha, J)

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