

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34038 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- BIRPUR District- Supaul

MD. SAFIK ANSARI @ SAFIK Son of Late Sharma Harun Ansari Resident
of Village - Dindandhi, Ward No. 12, P.S.- Birpur (Baluwa Bazar), District -
Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 22-12-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of
Birpur P.S. Case No. 56 of 2020, disclosing offences punishable
under Sections 147,148,323,341,447,326,307,379,506 of the
Indian Penal Code.

The occurrence is alleged to have taken place in the
background of dispute between the parties over a homestead
land. There are ten persons named in the First Information
Report including the petitioner in which it has been alleged that
after an altercation between the parties relating to the said
dispute, the persons named in the First Information Report came
to the informant's place and after using abusive language started
assaulting the informant's brother. There is allegation against



other co-accused persons of having assaulted the deceased.

I find force in the submission made on behalf of the petitioner, on perusal of the First Information Report that there is no allegation of any specific overt act against him. My attention has been drawn by the learned counsel for the petitioner to the post mortem report, which shows only one sharp cut ante mortem injury on the scalp of the deceased. He has contended, in that background that the narration of the case of the prosecution in the First Information Report is not truthful and the exaggerated version of the occurrence has been given so as to implicate all the members of the family and others.

Considering the nature of allegation in the FIR to the extent it relates to the petitioner and the post mortem report, which has been relied on, on behalf of the petitioner, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Birpur in Birpur P.S. Case No. 56 of 2020.

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(Chakradhari Sharan Singh, J)

