

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 65638 of 2019**

Arising Out of PS. Case No.-257 Year-2019 Thana- GANDHIMAIDAN District- Patna

Shahbir Ahmad @ Shabbir, Son of Md. Ashique, Resident of 15, Bakarganj Gola Road, Near Siddique Nursing Home, P.O-Bankipore, P.S.-Gandhi Maidan, District-Patna-800006 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Apurva Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh I

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      05-03-2020                      Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences under Sections 147, 149, 341, 323, 324, 307 and 504 of IPC.

The prosecution case, as per the written report of Shubham Kumar submitted to the Station House Officer, Gandhi Maidan Police Station, is to the effect that on 11.06.2019, when the informant was coming from petrol pump, on the way, all the accused persons including the petitioner stopped the informant and assaulted him and when the elder brother of the informant Suraj Kumar came to rescue him, then he was also assaulted by all the accused persons.

It is submitted by the learned counsel for the



petitioner that general and omnibus accusation against all the accused persons has been levelled in the background of earlier enmity. In fact, no injury was caused to anyone, as there is no medical report on record to corroborate the accusation of assault. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary submits that no injury report is on the record.

The FIR was lodged on 12.06.2019, when case diary was called by this Court, vide order dated 14.11.2019, but the case diary, recorded only up to 15.09.2019 has been transmitted to this Court, which does not contain the injury report, which reflects the casual manner in which the investigation has been conducted and office of Sr. S.P. as well as learned Sub-Judge-XVII-cum-ACJM, Patna are functioning.

Considering the accusation being omnibus and general against all the accused persons, coupled with the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Judge, XVII – cum – A.C.J.M., Patna in connection with Gandhi Maidan P.S. Case No. 257 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J.)**

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