

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81904 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- BIRAUL District- Darbhanga

GHULAM SARBAR KHAN @ SABA, Son of Late Ghafoor @ Late Abdul
Ghafoor Kha Resident of Village - Ahilbara, Police Station - Biraul, District -
Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

For the Informant Ms. Aprajita, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner, informant and
learned APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 323,
324, 307 and 504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Arshad Ali Khan submitted before the Station House
Officer, Biraul Police Station is to the effect that on 04.06.2019,
at 11.00 A.M., the informant objected the ongoing work of
laying down pipe line under the Nal Jal scheme since it was not
as per specification, whereupon, on the order of the petitioner,



all the accused persons, including the petitioner, variously armed came and assaulted the brother of the informant. The informant was also assaulted by them when he came to rescue his brother. It is specifically alleged against the petitioner that he assaulted on the head of the informant with farsa.

It is submitted by learned counsel for the petitioner that in the background of laying down the pipe line under the Nal Jal scheme, the occurrence took place and none of the injury has been found grievous. Moreover, there is no accusation of repeating the blow against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that the accusation is specific against the petitioner. However, she admits that none of the injury has been found grievous.

Considering the genesis of the occurrence and the fact that there is no accusation of repeating the blow by the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



CJM, Biraul, Darbhanga, in connection with Biraul P.S. Case
No.135 of 2019, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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