

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28028 of 2020

Arising Out of PS. Case No.-373 Year-2019 Thana- RAMPUR District- Gaya

Md. Neyaz, S/o Md. Ujjair @ Md. Ujjaid, Resident of Village-Aliganj Road
No.2, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 12-02-2021 As prayed for, let the learned counsel appearing for

the petitioner remove the defect(s), as pointed out by the office,

within four weeks of starting of the Court proceeding in

physical mode.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Rampur P.S. Case No. 373 of 2019, registered under
Sections 341, 323, 325, 307, 379 and 504/34 of the Indian Penal
Code.

The accusation is that in the evening of 19.09.2019,
informant, Md. Irshad, was returning to his house after attending
the call of nature. At that time, Md. Sultan, Md. Neyaz



(petitioner), Md. Dablu Mian, Md. Nehal and Md. Gullu came and surrounded him and thereafter, Md. Neyaz (petitioner) and Md. Gullu started to cause assault and asked about his father saying that why the evidence has been given in the murder case and gave threatening to the effect that he will also be killed like his brother. At that time, Md. Sultan attacked through iron rod, in which, he sustained fracture injury at his right hand and fell down. Thereafter, all fled away from there and the informant was rushed for treatment by his family members. Since he was under treatment due to that reason, he did not inform to the police in time.

Learned counsel for the petitioner submits that while the occurrence is said to be of 19.09.2019 but the informant lodged the present case on 13.10.2019 after 24 days of the occurrence. Further submission is that the medical report, which is the part of the FIR, indicates that informant was examined on 08.10.2019, in which, it is detailed that the injuries as found on the person of the informant is of ten days old, which also falsifies the date of occurrence. It is further submitted that the fracture injury shown in the right hand, which is attributed against co-accused, Md. Sultan, not against the petitioner. Further submission is that while petitioner is accused in three



other cases but the same have been lodged by the sister and father of the informant of the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Chief Judicial Magistrate, Gaya, in connection with Rampur P.S. Case No. 373 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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