

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30117 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- CHHATAPUR District- Supaul

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Akhtar @ Mohammad Akhtar, Son of Late Majeed, Resident of Village/Mohalla - Ward No. 07, Fatehpur Araria, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Aslam Ansari, Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Chattapur P.S. Case No.255 of 2019 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 354(A), 379 and 504 of the Indian Penal Code.

The case of the prosecution is that while the informant's nephew was playing, one Md. Sahwaz started assaulting her nephew with legs and fists. When the informant and her husband reached at the place to pacify the quarrel, then all the accused persons variously armed with sticks, *farsa* and swords etc. arrived at the place and resorted to indiscriminate assault. Against the petitioner, there is an allegation of taking



away of the gold chain.

Petitioner's counsel submits that the incident has occurred at the spur of the moment, based on a dispute among two groups of children who were playing. Against the petitioner, there is no allegation of assault and the accused persons have also lodged case against the prosecution party which is prior to the instant case. The petitioner has no criminal antecedents.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 A.C.J.M.-VI, Supaul, in connection with Chattapur P.S. Case No.255 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an



affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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