

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.34906 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- HASANGANJ District- Katihar

Abdul Samed, Son of Late Kharitulla, Resident of Village-Harkhapokhar,
Police Station-Hasanganj, District-Katihar ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajendra Prasad Sah, Adv.
For the State : Mr. Rajendra Singh, APP
For the Informant : Mr. Sanjeev Kumar Singh, Adv.

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

ORAL ORDER

2 06-04-2021 As prayed for, let the learned counsel for the
petitioner remove the defect(s), as pointed out by the office vide
it's note, dated 14.12.2020, within four weeks of starting of the
Court proceeding in physical mode properly.

Heard the parties through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Hasanganj P.S. Case No. 88 of 2019, pending in the Court of Sri
Jay Shree Kumari, Judicial Magistrate, 1st Class, Katihar,
registered under Sections 341, 323, 324, 307 and 504/34 of the
Indian Penal Code, later on Section 302 of the Indian Penal
Code has also been added.

The accusation is that on 25.12.2019, in the evening,
Md. Samaul, nephew of the informant, Manirul Haque, had
gone to play the cricket, but, after short interval he was chased
in his house by first information report named accused,



including the petitioner. When the informant, Manirul Haque, made query about chase, then, he was abused and assaulted, when, Sohrab Ali, uncle of the informant rushed there from field along with others, then, they were also surrounded and dashed. At that time, Abdul Samed (petitioner) gave the sword blow at the head of Sohrab Ali, uncle of the informant, who fell down, then, Mobarak Hussain also caused injury through rod on his index finger.

Submission is that while allegation has been made against the petitioner to cause head injury through sword on the deceased, but, one old wound over left side of scalp (2" x 1/4") was found.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected** with direction to the petitioner to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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