

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35650 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- PIYAR District- Muzaffarpur

MD. OBAID son of late Mehadi Hasan Resident of Village- Baingri, P.S.-
Piar (Hathriya), District- Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Senior Advocate.
For the State : Mr. Shantanu Kumar, A.P.P.

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

ORAL ORDER

3 29-06-2021 Heard learned Senior counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with
Piar P.S. Case No.25 of 2020 registered under Sections 341, 323,
324, 307, 325, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 20.01.2020 at about 05.00 P.M.,
the informant Md. Navi Hasan proceeded from his Clinic for his
house. When the informant reached near Trikon Tola, then three
persons boarding on motorcycle came from front side and
surrounded him. The aforesaid persons asked the informant in
abusive language to get down from the motorcycle otherwise they
would shot firm at him. When the informant made query to the
aforesaid persons, then one person made some talk from his mobile
phone. Thereafter, seven persons, named in the F.I.R., including the



petitioner Md. Obaid came on three motorcycles and gave threatening to the informant to kill. Thereafter, Md. Aslam gave Garasa blow at the forehead of the informant, whereas this petitioner gave sword blow at the forehead of the informant. Others also caused assault to the informant through hockey and stick. Thereafter, the informant fell down having become unconscious. After sometime, when the informant regained consciousness, he heard the sound of vehicle but, thereafter, the informant again became unconscious and when he regained consciousness, he found himself at the Prashant Hospital. The aforesaid persons also took the mobile phone and cash Rs.8000/- of the informant.

Learned Senior counsel for the petitioner submits that, in fact, Complaint Case No.504 of 2011 was filed by the petitioner against the informant of the present case and others under Sections 147, 148, 323, 324, 392 and 379 of the Indian Penal Code in the court of the Chief Judicial Magistrate, Muzaffarpur, and due to land dispute, the informant of the present case disclosed the name of the petitioner with the allegation that this petitioner gave the sword blow at his head. It would appear from the injury report of the informant, which is annexed with the supplementary affidavit filed on behalf of the petitioner that four injuries, viz. (1) lacerated wound over scalp 4 cm. x 1 cm. x 1 cm., (2) lacerated wound over left eyebrow 3 cm. x 1 cm. x 1 cm., (3) traumatic brain injury- pericranial contusion- left fronts parietal region and (4) left radius fracture, were found on the



person of the informant. The aforesaid injury report of the informant indicates that no any sharp cutting was found on the person of the informant, while there is allegation against the petitioner to give sword blow at the forehead of the informant. Further submission is that it would appear from the F.I.R. that the present occurrence took place on 20.01.2020 but the present case was lodged by the informant on 22.01.2020, i.e., after two days of the occurrence. While the petitioner is accused in one more case, as detailed in paragraph-3 to this application, but in that case the petitioner is on bail.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Muzaffarpur, in connection with Piar P.S. Case No.25 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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