

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3101 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- SITAMARHI District- Sitamarhi

Shamser, Male, aged about 27 years, Son Of Md. Ibrahim @ Ibrahim Rain,
Resident Of Village-Mehsaul, Purbi, Ward No.6, Police Station-Sitamarhi,
District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur and Mrs. Madhubala Verma, Advocates.
For the State	:	Mr. A.G.
For the Informant	:	Mr. Ramesh Ambasta, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State
through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 324, 307, 504
and 302/34 of the I.P.C.

The prosecution story, in brief, is that on 09.07.2020
at 2.00 P.M., the informant Md. Shahid Ali was returning home
on his Motorcycle bearing Registration No. BR 20N-3906 and



when he reached near Mehsaul Bridge, upon the order of Md. Ibrahim, accused Md. Naushad inflicted Farsa blow on his head with intention to kill, due to which, he sustained head injury. Accused Md. Saddam gave spear blow on his head due to which, he sustained head injury and fell down. On halla, his sons Md. Chand and Md. Aftab and nephew Md. Neyaj came to his rescue but accused persons also assaulted them. Accused Md. Naushad gave rod blow on the head of his son Md. Chand with intention to kill, due to which, he fell down and became unconscious. Accused Sahnawaj gave rod blow on his chest. Thereafter, Md. Jahangir assaulted with rod consequently he got unconscious. Thereafter his son Md. Aftab came in rescue, who was assaulted by Md. Saddam with spear blow above his ear and Md. Shamsheer (petitioner) injured him with rod blow. Md. Jaseem and Md. Mustafa also assaulted Neyaj with rod. On hulla, accused persons fled away towards north side. The injured persons were taken to Sadar Hospital, Sitamarhi, for treatment from where they were taken to the clinic of Dr. Barun Kumar for better treatment but during treatment, one injured Md. Chand died and injured Md. Aftab is being treated there. It is further alleged that the reason behind the occurrence is the altercation and exchange of hot talk between the accused



persons and the informant and his son-in-law in respect of monetary transaction of Rs. 1,000/- two hours prior to the occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no allegation of assault alleged against the petitioner for assaulting the deceased. The allegation of assault upon the deceased is alleged against the co-accused, namely, Md. Naushad, Md. Sahnawaz and Md. Jahangir. The petitioner is said to have inflicted single Iron rod blow upon one Md. Aftab and against the co-accused Md. Saddam also, there is allegation of giving one Bhala blow upon Md. Aftab. From perusal of the injury report, it appears that there is only one single lacerated wound. The injury report of Md. Aftab does not corroborate the allegation made in the F.I.R.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Sitamarhi, in connection with Sitamarhi P.S. Case No. 349/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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