

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7852 of 2021

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

SAMSHER Son of Md. Safiq Resident of Village - Fatehpur, P.S.-
Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021

Heard.

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

The allegation is regarding the accused persons having assaulted the informant and her family members. As far as the petitioner is concerned, he is stated to have assaulted the husband of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has referred to the injury report which has been annexed as Annexure-2 to the present petition to show that the injury sustained by the husband of the informant, attributable to the petitioner, is simple in nature. It is further submitted that the present case arises out of a case and counter case, the case filed on behalf of the accused persons being first in time.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the injury sustained by the informant on account of assault by the petitioner has been found by the doctor to be simple in nature and moreover, the petitioner is having a clean antecedent as also the present case arises out of a case and counter case, the case filed by the accused persons being first in time, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Supaul in connection with Chhatapur P.S. Case No. 255 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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