

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14430 of 2021**

Arising Out of PS. Case No.-918 Year-2020 Thana- ARARIA District- Araria

=====

Shadique @ Sadique Alam @ Babalu @ Babblu, male, aged about 35 years,  
S/o Kalam @ Abul Kalam @ Adul Kalam, resident of Village - Kakorwa  
basti, P.S. and Distt. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Anil Prasad Singh, Adv.      |
| For the Informant    | : | Mr. Sumit Kumar Jha, Adv.        |
| For the State        | : | Mr. Ram Priya Sharan Singh, Adv. |

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

5      04-04-2022                      Heard Mr. Anil Prasad Singh, the learned Advocate  
  
for the petitioner and Mr. Sumit Kumar Jha, the learned  
  
counsel for the informant.

The State is represented by the learned APP, Mr.  
  
Ram Priya Sharan Singh.

The petitioner seeks bail in anticipation of his  
  
arrest in connection with Araria P.S. Case No. 918 of 2020,



dated 12.11.2020, instituted for the offences under Sections 341, 323, 324, 325, 379 and 504/34 of the Indian Penal Code.

He is alleged to have assaulted the informant by an iron rod on his head and is also said to have divested him of his personal belongings including cash.

The learned counsel for the petitioner has submitted that the accusation is absolutely false. In support of the aforesaid contention, he has referred to the fact that the F.I.R. was lodged a day after the occurrence and with respect to an occurrence with his sister and others, the informant and his two brothers have also been made accused vide Araria P.S. Case No. 942 of 2020 dated 18.11.2020, which has been brought on on record by way of Annexure – 2.

Though the aforementioned F.I.R. is later in point of time than the subject F.I.R., but the occurrence is reported to have taken place on 11.11.2020, the date on which the informant of the subject F.I.R. is said to have been assaulted by the petitioner.



The injuries suffered by the informant is stated to be simple in nature.

It has further been submitted that there could be a possibility of clash between two sides because of earlier dispute, but the accusation has been overtly exaggerated.

As opposed to the aforesaid contention, the counsel appearing for the informant has brought on record photographs of the informant which indicate that the injuries suffered by him are not superficial; rather it could be life-threatening. He further submits that there is no positive opinion of the Doctor regarding the nature of injuries for want of further medical investigation. He, therefore, submits that anticipatory bail be not granted to the petitioner and the final assessment of the nature of injuries be awaited.

Be that as it may, considering the fact that as on the date, there is no assessment of the nature of injuries but from the dimensions of the same, the Doctor has reported that it could be simple in nature and the other background facts, the petitioner, in the event of his arrest or surrender



before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 918 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is cautioned that if the petitioner would ever try to intimidate the witnesses or the informant of this case or would make attempts at deflecting the course of investigation, it would be open for the informant to approach this Court for cancellation of his bail.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

