

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6788 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- BIRPUR District- Supaul

ABUJAR @ ABUJAR ALAM, aged about 24 years (M), S/o- Md. Saed @
Saidur Rahman, R/o - Koyali, Ward No. -11, P.S.- Birpur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Birpur P.S. Case No. 114/2021 for the offence registered
under Sections 341, 323, 324, 307, 379/34 and 498(A) of the
I.P.C.

The prosecution story, in brief, is that on 07.04.2021,
the petitioner who is the husband of the victim called her in a
field with food. Then the petitioner and other accused persons
assaulted her and snatched her ornaments and tried to slit throat
of the victim. On hulla, the sister of the victim came there,



thereafter, the accused persons fled away.

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 due to family dispute. The petitioner is the husband of the victim. Since the nature of injury is said to be simple, no offence under Section 307 of the I.P.C. is attracted in the present case. Rest of the offences are triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned A.C.J.M., Birpur in connection with Birpur P.S. Case No. 114/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

The petitioner is directed to co-operate during the trial. If the petitioner does not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

(Sudhir Singh, J)

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