

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32961 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- RUPASPUR District- Patna

HAIDER @ MD. HAIDER Son of Md. Fakaruddin Pasa @ Md. Fakhruddin
Resident of Village - Saguna, Badi Havelli, P.S.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present anticipatory application has been taken out of turn, in view of the mentioning made by the learned counsel for the petitioner that the brother of the petitioner Md. Javed Pasha is getting married to Nasrin Begam on 03.10.2022 at Hotel Mehndi, Mainpura Bdhi Haveli Raod Danapur Cant, Patna.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 08.03.2022 he had gone to have chicken egg role



at M.K. Fast Food RPS Road, next alleges that petitioner who runs a garage came and touched the egg roll with dirty hands which was objected by the informant, it is next alleged that thereafter the petitioner along with another accused started abusing and assaulted him on head and back repeatedly and even abused hurting religious sentiments.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that even the injury report which is annexed as Annexure-4 does not show that injury is grievous in nature, it is also submitted that the occurrence took place on account of dispute as alleged in the FIR which was trivial and as far as allegation of abusing and hurting the religious sentiments is alleged, the same is ornamental in nature as the FIR does not disclose as to what abuse was hurled by the petitioner on the informant hurting his religious sentiments.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rupaspur P.S. Case No. 116 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his brother, Md. Parvez.

The learned trial court shall get the matter inquired as to whether the brother of the petitioner is getting married or not, in the event, if it is informed to the learned trial court by the SHO of the concerned P.S. that the brother of the petitioner is not getting married at the venue as recorded hereinabove, the learned trial court shall forthwith cancel his bail bonds and take all coercive steps to ensure that the petitioner is behind bars.

(Satyavrat Verma, J)

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