

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33836 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- KHODAWANDPUR District- Begusarai

MD SHARAFAT @ SHARAFAT HUSSAIN S/o Md. Shabbir Resident of
Village- Shahpur, P.S.- Khodawandpur, (Chhaurahi O.P.), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that Md. Bhola and Md. Bhloor were harvesting his sugarcane crops illegally and when he protested, the accused persons, including the petitioner, came and assaulted him by *lathi* and iron rod causing several injuries.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as he is known to Md. Bhola and Md. Bhloor, it is next submitted that



allegation of assault is general and omnibus in nature and no specific allegation of assault is alleged against the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and draws the attention of the Court to the impugned order to submit that the learned Additional Sessions Judge-I, Begusarai has recorded that from perusal of paragraphs 11, 20, 26, 39 and 51 of the case diary it appears that the petitioner is not cooperating with the investigating agency.

Learned counsel for the petitioner submits that petitioner will cooperate with the investigating agency and will present himself as and when required by the Investigating Officer of the case.

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 Court below within a period of six 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 the learned court below where the case is pending/successor court in connection with Khodawandpur (Chhourahi O.P.) P.S. Case No. 8 of 2022



subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving an undertaking to this Court that he will cooperate in the investigation and will present himself as and when required, is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and will have the liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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