

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34949 of 2022

Arising Out of PS. Case No.-233 Year-2021 Thana- MAHISHI District- Saharsa

MD. JAFAR, S/o Md. Sagir R/o village- Karhara, P.S.- Mahishi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Vinod Shanker Modi, A.P.P.
:	Mr. Diwakar Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 447, 379, 506, 504 of the Indian Penal Code and Sections 25(1-b)(a), 26, 27 and 35 of the Arms Act.

The informant alleges that Md. Ful Hassan shot her father on head who died and Md. Kayum assaulted her by brick causing injury on head and rest of the accused persons also assaulted.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent. Learned counsel further submits that there is specific allegation against Md. Ful



Hassan of causing fire-arm injury to the father of the informant and against Md. Kayum of assaulting the informant but as far as other accused persons including the petitioner are concerned, the allegation against them are general and omnibus in nature.

Learned counsel further submits that petitioners will not abscond nor evade law rather will cooperate in the investigation, it is also submitted that at the cost of repetition that petitioner is a person with clean antecedent and is willing to present himself as and when required by the Investigating Officer of the case.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner.

Learned counsel for the informant submits that though allegation of assault is general and omnibus in nature but then injured had suffered many injuries.

On query of the Court that how many injuries were suffered by the injured on which the learned counsel for the informant very casually submits that the copy is very faint and thus he does not know, thereafter, he submits that charge sheet has been submitted against the petitioner.

Learned counsel for the petitioner rebuts the



submission of the learned counsel for the informant and submits that since charge sheet has been submitted against the petitioner, that also becomes a ground for grant of anticipatory bail as the police never felt the need of arresting 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. 10,000/- (Rupees Ten 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 Mahishi P.S. Case No. 233 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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