

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38784 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- PUPRI District- Sitamarhi

MD TALIB Son of Md. Taiyyab Resident of Village -and P.O.- Awapur, P.S.-
Pupri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Manaur Alam, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, A.P.P.
For the Informant	:	Mr. Dinesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-10-2022 Heard learned Senior Counsel for the petitioner assisted by Mr. Manaur Alam, Advocate, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302/34 and 324 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is a person with clean antecedent.

The informant instituted the FIR against 19 named accused persons including the petitioner alleging that on account of electoral defeat of erstwhile Md. Mahfooz Alam and sister-in-



law of Md. Abdullah in last Panchayat Election, the present occurrence took place. Further, the accused persons came at the door of the informant variously armed and assaulted the informant and injured him. It is further alleged that the accused persons were searching for the brother of the informant. The brother of the informant was caught and on order of Md. Mahfooz Alam, the accused Md. Afroz inflicted knife blow in his stomach. Md. Shamim, Md. Sami and Md. Waris also assaulted by knife and lathi respectively and Md. Wajid resorted to firing and accused Abdullah also inflicted knife blow on the brother of the informant in his stomach. It is further alleged that thereafter the accused persons brought kerosene oil to burn the body for wiping out the evidence but on account of intervention of the villagers they were saved and the accused fled away.

Learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that the allegation against the petitioner is of assaulting the deceased with a knife on his head causing injury along with other accused persons as detailed in the FIR. It is next submitted that from perusal of the injury report, it would manifest that the injury is simple caused by hard and blunt substance. It is also submitted that since allegation is of assault



by knife but the same gets belied by the injury report as it records that the injury was caused by hard and blunt substance, which is simple in nature.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that petitioner has not approached the Court with clean hands. It is further submitted that petitioner in para 3 of the anticipatory bail application has stated that he is a person with clean antecedent when he has antecedent of one case i.e. Pupri P.S. Case No. 11 of 2022, it is next submitted that the police after investigation has even submitted charge-sheet in Pupri P.S. Case No. 11 of 2022 and the petitioner is absconding.

Considering the submissions made by the learned Senior 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 Pupri P.S. Case No. 16 of 2022, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

However, the learned trial court before accepting the bail bond of the petitioner shall verify the criminal antecedent of the petitioner as submitted by the learned counsel for the informant and in the event if it is found that petitioner has antecedent and the same was concealed before this Court then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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