

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55860 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- KATHAIYA District- Muzaffarpur

Md. Javed Son of Md. Mustafa @ Mustafa Kamal Resident of Village -
Gopinathpur, P.S. - Kathaiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2022 Heard learned counsel for the petitioner and Shri
Bharat Lal, learned A.P.P. for the State.

The petitioner seeks bail in connection with Kathaiya
P.S. Case No. 02 of 2021 instituted for the offences under
Sections 447, 341, 323, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 22.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that on 04.01.2021 her son was playing with
his friend then Md. Tabrej asked him to play with him, but the
informant's son refused, due to which Md. Tabrej abused and
assaulted him. The informant, on coming to know about the



occurrence, went to the place of occurrence alone and asked Md. Tabrej why he abused and threatened her son on which it is alleged that he started abusing and the petitioner and co-accused Soni Khatoon and Rabiya Khatoon reached there and Soni Khatoon caught hold of the informant and Md. Tabrej and this petitioner assaulted her brutally by cricket bat and iron rod causing injury on the head and even inflicted blows in her stomach and tore her clothes. It is further alleged that the informant was taken to Motipur Government Hospital from where she was referred to Muzaffarpur due to excessive bleeding.

Learned counsel for the petition submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the occurrence took place on account of fight which ensued between the children and as far as allegation of assault is concerned, the learned counsel submits that it seems to be exaggerated as the injury report clearly records that all the injuries are simple in nature as such the allegation that she was assaulted brutally stands falsified.

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

Considering the fact that the petitioner is in custody



since 22.01.2021, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV (West) Muzaffarpur in connection with Kathaiya P.S. Case No. 02 of 2021.

(Satyavrat Verma, J)

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