

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58706 of 2021

Arising Out of PS. Case No.-311 Year-2019 Thana- SASARAM NAGAR District- Rohtas

IMAM @ NAUSHAD Son of Javed Resident of Village - Chota Shekhpura
Ward No.- 17, P.S.- Sasaram (T), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-06-2022 Heard.

The petitioner apprehends his arrest in connection with Sasaram (T) P.S. Case No. 311 of 2019, registered for the offence punishable under Sections 341, 323, 307, 385, 387, 379, 504/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having surrounded the informant, while he was returning to his home from the shop and had reached near Kamal Beauty Parlour, whereafter one of the co-accused person namely Rinku had caught the informant from the back side and then the co-accused person namely Raja had inflicted iron rod blow on the head of the informant. It is also alleged that the petitioner had assaulted the informant on the head by butt of a country made pistol and then the co-accused person namely Supan Khan had snatched away a bag from the



informant containing a sum of Rs. 49,510/-.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the injury sustained by the informant are simple in nature as has been stated by the petitioner in paragraph No. 13 of the present petition. It is also submitted that the allegation of snatching bag from the informant containing money has been levelled against the co-accused person namely Supan Khyan and not on the petitioner herein. Lastly it is submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 02.06.2021 passed in Cr. Misc. No. 39618 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the injury, if at all sustained by the informant, has been found to be simple in nature, apart from the fact that the petitioner is having a clean antecedent and he is not



alleged to have snatched the bag of the informant containing money and moreover similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate, Rohtas in connection with Sasaram (T) P.S. Case No.311 of 2019, subject to the conditions laid down under section 438(2) of the Cr. P. C.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

