

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61107 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- ABADPUR District- Katihar

Md. Hussain Son Of Abdul Rajjaque R/O Village- Sikarpur, P.S.- Abadpur,
District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Abadpur P.S.
Case No. 176 of 2019, registered for the offences punishable
under Sections 307, 379 and other allied sections of the Indian
Penal Code.

Prosecution case in brief is that co-accused Reshma
Khatoon and Md. Hussain (petitioner) assaulted the informant
and her son two years ago and her son sustained injury on the
eye and fracture in hand, but after intervention of villagers the
matter was compromised on condition that petitioner will bear
the medical expenses. On 04.12.2019 at 8.00 'O' clock
informant informed Reshma Khatoon that medicine of her son
got finished and he is feeling pain so he has to provide



medicine, on such petitioner and co-accused started abusing her and assaulted her and also tried to kill her by pressing her neck, as a result of which she became unconscious and took away tin box containing cash of Rs. 15,000/-.

It is submitted that petitioner has been falsely implicated in this case due to old enmity and land dispute. Entire allegation is false and concocted. Petitioner is none else than own brother of the husband of informant. Case and counter case. Present case is counter blast of Abadpur PS Case No. 173 of 2019. Moreover, the occurrence took place on 04.12.2019 whereas, the FIR was lodged on 10.12.2019 without any plausible explanation. The doctor has found single injury of abrasion and ligature mark on the neck and the nature of injury is dangerous for life.

Considering the backdrop and the fact that there is case and counter, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Abadpur P.S. Case No.



176 of 2019, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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