

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72033 of 2021**

Arising Out of PS. Case No.-290 Year-2021 Thana- BIHIA District- Bhojpur

MD. HASIB @ MD. HASIB ALAM Son of Late Md. Israil Resident of
Village - Bandha, P.s.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Munna Prasad Singh, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr.Rabindra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 02-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehend his arrest in a case registered
for the offences punishable under Sections 147, 149, 341, 323,
307, 379, 447, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 25.07.2021 at about 4:00 PM, when the
informant was at her door then nine accused persons, including
the petitioner, came and Md. Sabbir started dragging the victim
and all the accused said to kill the informant, thereafter it is
alleged that Md. Khurshid, Md. Hasib (petitioner) Md. Manzoor
and Md. Mustak assaulted the informant on head causing injury,



Md. Ahsan snatched gold chain of informant's sister-in-law and Sarwar Alam assaulted her with *lathi* and wounded her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner and informant are agnates and there is a case and counter case between the parties and from the side of the petitioner Bihiya P.S. Case No. 289 of 2021 has been instituted against the petitioner and his side in which the petitioner and his family members were brutally assaulted leading to death of one of the brother of the petitioner in hospital and the petitioner was also under treatment in the hospital. Learned counsel submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that allegations are general and omnibus in nature and the F.I.R. does not even disclose that by what weapon the accused persons assaulted the informant on his head, it is further submitted that though allegation of assault is by four accused persons but there are only two injuries on the head of the informant, one is grievous and other one is simple. Learned counsel for the petitioner thus submits that since petitioner himself was an injured and was under treatment as such the informant in order to coerce the petitioner and his family members into submission



has instituted the present false case.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to meet the submissions made by the learned counsel for the petitioner that the allegation of assault is general and omnibus and at the same time the F.I.R. does not disclose the weapon used in the assault.

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) each 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 Bihiya P.S. Case No. 290 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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