

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5761 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- WAJIRGANJ District- Gaya

Md. Zakir Hussain, Son of Md. Imaaman Mian, R/v- Shankar Bigha, P.S.-
Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-05-2023 Heard learned counsels for the petitioner and the

State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 341, 323, 307, 506/34 of
the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that this petitioner along with other
accused persons assaulted the son and nephew of the informant.

Learned counsel appearing for the petitioner submits
that admittedly, the alleged occurrence took place on
22.05.2022, but F.I.R. has been instituted on 28.05.2022 which
is an afterthought. Petitioner is deliberately named in this case at
the behest of some interested persons. Allegation against the
petitioner is general and omnibus and no specific overt act has
been alleged against him. He further submits that from bare
perusal of the



F.I.R. it is apparent that informant is not an eye witness of the occurrence rather he reached at the place of occurrence after the alleged *maar-peet*. Petitioner has got clean antecedent.

Considering the aforesaid facts and circumstances, let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Wazirganj P. S. Case No. 246 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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