

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9128 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- GAMAHAIRIYA District- Madhepura

MD. TABIJ, Son of Late Md. Sadik @ Late Sadik Miya, Resident of Village-
Jiwachhpur, Ward No.-5, P.S.- Gamahariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Gamahariya P.S. Case no.153 of 2021 registered under sections 307, 323, 341, 379, 506, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the six named accused persons including the petitioner herein and 4-5 unknown persons variously armed with iron rod, *khanti*, *farsa* etc. came to the shop of the informant. They started to abuse and assault the informant. Gana Devi took away the golden chain worth Rs.45,000/-. Umesh Yadav struck with the *farsa* on the head of the informant's husband and on his falling down, the four named accused persons including the petitioner herein also assaulted.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. There is case and counter case between the parties and the correct version having been narrated in the counter case. The injuries have been found to be simple in nature. The petitioner is in custody since 16.12.2022 and charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner being general and omnibus in nature, there being case and counter case between the parties, the petitioner being in custody since 16.12.2022, charge-sheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Gamahariya P.S. Case no.153 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Madhepura.

(Partha Sarthy, J)

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