

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16083 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- BEERPUR District- Begusarai

Md Aashique @ Md Asif, S/O Md. Mumtaz @ Md. Saluddin @ Salauddin,
R/O Village- Sikraula Masjid Tola, P.S- Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Birpur P.S. Case No. 86 of 2021 registered for the offence punishable under Sections 147, 341, 323, 324, 308, 379 of the Indian Penal Code.

It is alleged that co-accused *Md. Sona* has assaulted the informant and his brother by sword. Thereafter, it alleged that six (6) persons, including the instant petitioner, have also assaulted the informant and his brother by rod, stick, sword, etc.

Learned counsel for the petitioner submits that specific assault by sword is attributed to *Md. Sona*. The petitioner, having no antecedent, has been implicated as he is also a family member of *Md. Sona*. The prosecution as well as



accused persons are agnates. The injury sustained by informant and his brother, copy of which annexed as Annexure-3, do not support the allegation of assault by seven persons. The other similarly situated as the petitioner have been allowed bail in Cr. Misc. No. 3640 of 2022. *Md. Sona* has also been allowed anticipatory bail in Cr. Misc. No. 34195 of 2022.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of accusations, claim based on parity and clean antecedent of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released 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 A.C.J.M.-VI, Begusarai, in connection with Birpur P.S. Case No. 86 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner



who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

Sumit/Gaurav.s-

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