

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16433 of 2023

Arising Out of PS. Case No.-264 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

MD. SADDAM HUSSAIN @ SADDAM BOSS S/O LATE MD. AIYUB
BOSS Resident of Village- Muriya P.S.- Bhalpatti, O.P., District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Sr. Advocate Mr. Subodh Kumar Jha, Advocate Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP Mr. Sumit Shekhar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 18-07-2023 1. Heard learned Senior counsel for the petitioner and learned A.P.P. for the State alongwith learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324 and 307 of the Indian Penal Code.
3. Learned Senior counsel for the petitioner submits that the petitioner has antecedent of fourteen cases and he is alleged to have assaulted and pushed the son of the informant causing injury on his temporal region which is said to be grievous.
4. The learned Senior counsel next submits that the



occurrence is said to have taken place at Village Muraiya Bazaar which is in Darbhanga and the son of the informant was treated at Madhubani, it is next submitted that if the occurrence took place within the district of Darbhanga what prompted the son of the informant to get treated at Madhubani, it is further submitted that it was a ploy only to implicate the side of the petitioner for the reason that they retaliated by firing causing grievous firearm injury to two persons from the side of the petitioner.

5. Learned Senior counsel for the petitioner next submits no doubt the criminal antecedent is one of the relevant factors for considering whether privilege of anticipatory/bail should be extended in favour of an accused or not but then the nature of allegation is also to be seen. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant Shaukat Ali alleges that on 17.06.2021 at 12:00 his son Kurbaan Ali was at his shop and called his friend when the petitioner came abusing and said why he called him on which Kurbaan Ali said that he had called Aman on which petitioner assaulted him and pushed him thereafter his son came home and informed him about the occurrence, it is next alleged that while the informant alongwith family member were sitting at his home when petitioner



alongwith other accused persons came alongwith 20-25 unknown and started pelting stones and when same was protested, it is alleged Md. Badre Alam assaulted him by an iron rod causing injury head, thereafter his nephew was assaulted causing injury on his head, it is further alleged that this petitioner alongwith Chunnu, Md. Javed and Saeer Qureshi assaulted other family member who came to save him by rod and lathi, thereafter it is alleged that other accused persons came and they also assaulted and the injured were admitted in DMCH for treatment.

6. Learned Senior counsel next submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that informant himself has stated that all injured were treated at DMCH but then their injury was found to simple and the son of the informant who is alleged to have been pushed and assaulted by this petitioner went to Madhubani for treatment and he got injury report in his favour showing injury to be grievous which cast an aspersion on the case of the prosecution that as to why the son of the informant was not treated at DMCH or had he been referred from DMCH to a higher center then also the bona fides of the injury report could have been established. It is next submitted no doubt there was an altercation and the dispute took



place in which both sides assaulted each other but from the side of the informant (Shaukat Ali), firing was made causing grievous injury on the side of the petitioner which amply demonstrates that who were the aggressors, for which Darbhanga Sadar P.S. Case No. 265 of 2021 was instituted from the side of petitioner.

7. The learned Senior counsel next submits that the petitioner is on bail in all the fourteen cases and some of the cases have been referred to the Lok Adalat also.

8. Learned A.P.P. for the State alongwith learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned Senior counsel that why Kurbaan was not treated at Darbhanga at DMCH or why he had to go to Madhubani for treatment and that the injury suffered by rest of the injured who were treated at DMCH is simple in nature and from the side of the informant firing was done causing firearm injury to the side of the petitioner causing injury.

9. 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. 25,000/- (Rupees Twenty Five Thousand) 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 Sadar P.S. Case No. 264 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. One of the bailor of the petitioner shall be his cousin brother Md. Alam.

(Satyavrat Verma, J)

Adnan/-

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