

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18077 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. AZIM LATE ABDUL GANI Village- Rahimpur Ps- Samastipur
(Muffasil) Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Samastipur (M) P.S. Case No. 309 of 2022 for the offence registered under sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 15.07.2022 by the informant, Ehsanul Haq.

As per the allegation in the FIR, the accused persons were carrying Mango 'wooden log' from the 'orchard' of the informant to which he protested. Thereafter, on the order of Md. Tanveer Alam , petitioner no. 5, Md. Azim with an intention to kill the informant assaulted with 'iron Khanti' on his head and when his brother came to his rescue, he too was assaulted by



this accused with '*iron Khanti*'. It is further alleged in the FIR that co-accused Md. Saifula took Rs. 25,000/- from his pocket and also taken the log of mango. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioner that although there is allegation of injury on the informant as also his brother, it has been found to be simple in nature.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- each i.e. Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the injured after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that the injuries have been found to be simple in nature, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 10,000/-, as stated above.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge-V cum Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur (M) P.S. Case No. 309 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail
application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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