

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29926 of 2023

Arising Out of PS. Case No.-805 Year-2022 Thana- MAHUA District- Vaishali

MD KHUSHRUDDIN, SON OF MD SHAMSHUDDIN, RESIDENT OF
VILLAGE - CHAND SARAI, P.S. - MAHUA DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Mahua P.S. Case No. 805 of 2022 registered for
offence under Sections 341, 323, 324, 307, 379, 427, 504, 506
and 34 of Indian Penal Code.

3. As per prosecution case, it is alleged that the
petitioner along with five named and five to six unnamed
persons has assaulted the informant and his brother.

4. It is submitted by learned counsel for the petitioner
that the only allegation against the petitioner is of assaulting
upon the informant's head, which injury has been found simple.
The same is evident from the order of the learned Sessions
Judge, Vaishali, rejecting the petitioner's prayer for bail. The



petitioner also has no antecedents. FIR has been lodged nearly 4 days after the occurrence and there is a counter version also wherein the present prosecution parties are accused persons.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, delay in lodging of the FIR and nature of injury attributed to the petitioner, as also the clean antecedents, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. 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 Chief Judicial Magistrate, Vaishali, in connection with Mahua P.S. Case No. 805 of 2022, 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.

(Madhuresh Prasad, J)

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