

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32308 of 2023

Arising Out of PS. Case No.-717 Year-2022 Thana- BAHERA District- Darbhanga

MD. FAHAD ALI KHAN @ FAHAD ALI KHAN S/o Md. Haidar Ali Khan
Resident of village-Ashapur, P.S.-Bahera, District-Darbhangha

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

1. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 717 of 2022 registered for the offences punishable under Sections 147, 148, 341, 323, 307 and 379 of the Indian Penal Code.

2. As per prosecution case, petitioner and others armed with weapon attacked on the informant's car. It is further alleged that co-accused Haider Ali assaulted informant's brother-in-law by means of iron rod with an intention to kill him. It is further alleged that other co-accused persons assaulted Arvind Singh and Suman Singh by means of iron rod, lathi and danda. It is further alleged that co-accused Md.Arshad Khan snatched one Apple Mobile phone and smart watch worth Rs.



1,50,000/- from the informant's son and co-accused Konain Khan snatched gold chain worth Rs. 50,000/- from the neck of the informant's son. It is further alleged that all three injured persons were taken to Sub-Divisional hospital, Benipur for treatment and after getting first aid treatment they were referred to D.M.C.H. for better treatment.

3. Learned counsel for the petitioner submits that there is case and counter case between both the parties. It is further alleged that on the same date of occurrence both parties sustained injury. He further submits that where there is case and counter case facts are generally exaggerated and free fight cannot be ignored. He further submits that there is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that both injured persons sustained simple injury caused by hard and blunt substance. He further submits that petitioner bears criminal antecedent of two cases.

4. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Benipur at Darbhanga in connection with Bahera P.S. Case No. 717 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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