

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33245 of 2022

Arising Out of PS. Case No.-261 Year-2020 Thana- SURSAND District- Sitamarhi

MD. ASHIQ Son of Md. Gulam Mustafa Resident of Village - Shankarpur,
Ward No.- 6, P.S.- Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Zainul Abedin,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Sursand P.S. Case No. 261 of 2020 for the offence registered under Sections 341, 323, 324, 504, 506, 307 and 34 of the Indian Penal Code.

As per the prosecution story, allegation is that when the informant's nephew had gone to market for purchasing household things, Md. Munna surrounded and gave knife blow and thereafter, the other accused persons assaulted the informant. When other family members arrived, allegation is that they too were assaulted.

Learned counsel for the petitioner submits that although the allegation of using sword against Md. Mahiuddin is



there, the same has been found to be simple in nature and in that background, case diary was called for on the earlier occasion by a Co-ordinate Bench of this Court.

This Court has gone through the case diary and paragraph 31 shows the Injury Report in which the injuries have been found to be simple in nature. However, learned counsel for the petitioner submits that in view of the fact that allegation is there, the petitioner on its own want to provide medical assistance of Rs. 20,000/- to the injured Md. Mahiuddin irrespective of the outcome of this case.

Learned APP for the State, on the other hand, submits that there is allegation against him and as such, he does not deserve bail.

In view of the fact that injuries have been found to be simple in nature, he do not have any criminal antecedent, this Court is inclined to grant him relief subject to payment of Rs. 20,000/- as medical assistance through bank draft issued by the local State Bank of India branch to be submitted before the '*NAZARAT*' of concerned Court and thereafter the same handed over to the informant after checking the credentials.

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 Chief Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No. 261 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

