

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41292 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- BALIYA District- Begusarai

MD. SAMUD @ SAMUD @ SAMAD Son of Late Masood @ Late Md. Masood @ Late Maksood Resident of village-Chhoti Ballia, Mirdah Toli, ward no. 07, P.S. Ballia, District-Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Ballia P.S. Case No. 197 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 & 34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while he was returning along with his father to his house from his agriculture field and reached near the bungalow of Md. Matin which is situated few distance from his house, all the accused persons and 10 – 12 unknown persons arrived there and assaulted him by way of butt of pistol over the head, the



informant tried to save himself but he has sustained injury over his left ear. It is alleged that the accused persons also assaulted on the hand of the informant. Thereafter, on the sound of hulla the local co-villagers came there and rescued the informant and his family members.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is a case and counter case between the parties and there is no specific allegation of commission of overt act against the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein there is said to be a case and counter case between the parties, there is no specific allegation of commission of overt act against the petitioner, the informant has specifically named as to who assaulted whom in the F.I.R., the petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No. 197 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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