

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49424 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- GARKHA District- Saran

MD BAJIR @ BASIR @ MD VAJIR @ VASIR SON OF MD.
HASMULLAH RESIDENT OF VILLAGE - FULWARIYA, CHAKIYA
SADHPUR, P.S. - GARKHA, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Garkha PS Case No. 469 of 2022 dated 22.07.2022 registered under Section 341, 323, 324, 379, 34 of the IPC and Section 307 / 34 of the IPC and Section 27 of the Arms Act was added on 06-08-2022.

3. As per the FIR, on 31-05-2020 when the informant was engaged in unloading bricks from the tractor at about 10:00 AM in the morning, all the accused persons arrived there and demanded a sum of Rs. 10000/- as extortion money for construction of house at the land of the informant and when the informant objected, the accused persons stopped him from unloading the bricks and assaulted with iron rod, bat, wicket,



lathi & danda due to which the informant fell down and the co-accused / Raja assaulted him with *Dab* on his head and the co-accused / Saifyul assaulted with iron rod due to which his left leg was fractured.

4. Learned counsel for the petitioner submits that petitioner has been implicated in this case due to village politics and both the parties are co-villagers and neighbours. He further submits that allegation against the petitioner is general and omnibus in nature and there is specific allegation against the co-accused / Raja and Safiyul, who allegedly assaulted the informant by means of *Dab* and iron rod. The petitioner at best can be said to be member of unlawful assembly and no overt act has been alleged against him. The petitioner is having no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that no overt act has been alleged against the petitioner and the petitioner is having no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Saran at Chapra in connection with Garkha PS Case No. 469 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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