

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46043 of 2023

Arising Out of PS. Case No.-133 Year-2020 Thana- SARSI District- Purnia

MD. SHAMSAD Son of Md. Tamrej @ Md. Tamrij Resident of village -
Sarsi (Majhua Prem Raj), Ward No.- 14, P.S.- Sarsi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate.

For the Opposite Party/s: Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

2. Petitioner apprehends his arrest in connection with
Sarsi P.S. Case No. 133 of 2020 dated 23.09.2020 registered for
the offence punishable under Sections 341, 323, 324, 325, 307,
498-A, 379 and 34 of the Indian Penal Code.

3. As per the allegation made in the First Information
Report, the daughter of the informant was married to the co-
accused Md. Anwar about 12 years back. Thereafter, the son-in-
law of the informant got entangled with another girl in Delhi. It
has further been alleged that the son-in-law of the informant
along with his brother Md. Tamrej and petitioner came to the
house of the informant while his daughter was not there and
took their ornaments and other valuables and when the daughter



of the informant went to her matrimonial home for inquiring about her ornaments and other valuables, she was abused and assaulted by the petitioner and other accused persons.

4. Learned counsel for the petitioner submits that the petitioner has been made accused because he happens to be the brother of co-accused Md. Anwar who is son-in-law of the informant. He next submits that from perusal of the First Information Report it would be evident that assault upon the daughter of the informant has been made by the co-accused Md. Anwar and Tamrej. No specific overt act has been alleged against the petitioner. The petitioner is a man of clean antecedent.

5. Regards being had to the submission made by the parties and taking into consideration the nature of allegation which is general and omnibus in nature against the petitioner, the specific allegation of assault is against the co-accused persons and one co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 38470 of 2022, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Sarsi P.S. Case No. 133 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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