

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49474 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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Daud @ Dawood @ Md. Daud, Son Of Awe Dullah @ Dullah, Resident Of
Village- Chhawani, Ps- Kalibagh, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Bettiah Town (Kalibagh O.P) P.S. Case No. 77 of 2023, registered for the offences under Section 341, 323, 307, 354, 379 and 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons assaulted the informant, her brother and her uncle with bricks, stones, *lathi*, rod and sword.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The parties are neighbours and they were having some dispute and for this reason the informant has falsely implicated a number of persons. The present case is counter blast of Bettiah Town (Kalibagh O.P.) P.S. Case No. 76 of 2023 registered for the



offences under Sections 323, 341, 324, 379, 504 and 506/34 of I.P.C. lodged on the basis of fardbeyan of co-accused Irshad Ali against the informant side. There is no specific allegation of any overt act against the petitioner. The informant has not received any injury whereas his uncle has received single/simple lacerated wound injury. Similarly injured Wahid Hussain only received three superficial skin deep injuries which are said to be simple in nature though allegation is that he was assaulted by sword on his head below the left eye. Altogether 12 persons have been made accused in this case but no fatal injury has been found on any of the victims. In absence of any intervening circumstance, no offence under Section 307 IPC would be made out against the petitioner. Learned counsel further submits that there is no specific allegation against this petitioner and allegations are mostly general and omnibus against the petitioner and other co-accused persons. Similarly placed co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 39631 of 2023 and Cr. Misc. No. 47048 of 2023.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case



and counter case between the parties and as there is no specific allegation against the petitioner and injuries do not correspond to the allegation made in the FIR and also considering grant of anticipatory bail to similarly situated co-accused persons, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, Westt Champaran/ court concerned in connection with Bettiah Town (Kalibagh O.P) P.S. Case No. 77 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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