

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48688 of 2023

Arising Out of PS. Case No.-1261 Year-2022 Thana- DANAPUR District- Patna

Md. Raja @ Md. Shahnawaz Alam, Son of Md. Aftab Alam, R/O-Budhiya
Kuan, Saguna, P.S.-Danapur, Distt.-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-12-2023 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 Danapur P.S. Case No. 1261 of 2022 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 11.01.2022 at about 08:15 P.M. while the informant was taking a walk in front of his house, the accused person started hurling abuses, thereafter, Md. Aftab Alam along with his son Md. Raja (petitioner) assaulted him on his head by the butt of the pistol as a result of which he sustained injury. In the meantime, other accused persons, Anjum and Hina attacked him with iron rod and took away golden chain of 10gms and Rs.7600/- from his pocket.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is a case and counter case between the parties and both the sides have assaulted each other.

5. Learned APP 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 a case and counter case between the parties in which both the sides have assaulted each other, this petitioner is said to have assaulted the informant by butt of the pistol on his head causing injury, however, the injury has not been shown in the case diary and both the parties are close door neighbours, the petitioner has otherwise no criminal antecedents, in these circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Danapur P.S. Case No. 1261 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur (Patna), 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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