

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50701 of 2022

Arising Out of PS. Case No.-732 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Md. Asraf @ Md. Asraf Alam, Son Of Md. Jahir, Resident Of Village - Budhu
Chak, P.S.- Katihar Sahayak, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 341, 323, 307, 379, 427, 504 and 506 read with 34 of the Indian Penal Code.



As per the prosecution case, on the order of the co-accused, the petitioner assaulted on the head of the informant with iron rod with intent to kill, causing injuries and all the accused persons assaulted the informant with fists and slaps and the petitioner also took 45,000/- rupees from the shop of the informant.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There was no intention on the part of the petitioner to kill the informant as there was no repeated blow by him and injury is simple in nature as per the impugned order dated 31.01.2022. The allegation of theft against the petitioner is ornamental. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that the petitioner assaulted the informant with iron rod on the vital part of the body.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Town (Sahayak) P.S. Case No. 732 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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