

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54395 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Sarwar Khan Late Majju Khan Resident Of Village - Karmali Hatta, P.S. -
Siwan Muffasil, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341/ 323/ 324/ 325/ 307/ 379/ 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against six named accused persons including the petitioner. The specific allegation against the petitioner that he has attacked by *farsa* on the head of Bilal, due to which, injury took place.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that both the informant and accused side are adjacent neighbour and for the same date and place of occurrence, there is a case and counter case, namely, Siwan Muffasil P.S. Case No. 140 of 2023 and Siwan Muffasil 141 of 2023 lodged by the

informant and the petitioner's side respectively.

5. Learned counsel for the petitioner further submits that the injury report of Bilal is annexed as Annexure- 2 and the Medical Officer has opined that injury is simple in nature. Counsel further submits that the other co-accused who caused grave injury has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 11.08.2023 passed in Cr. Misc. No. 47775 of 2023.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned J.M.- 1st Class, Siwan, in connection with Siwan Muffasil P.S. Case No. 140 of 2023, dated 25.03.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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