

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60239 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- PHULWARIA District- Begusarai

MD. RUSTAM son of Md. Jamal @ Maghiya @ Mohammad Jamal Uddin
village- Baro Kadirchak Ps- Phulwariya Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Phulwariya P.S. Case No. 52 of 2022 registered for the offences punishable under Sections 448, 341, 323, 307, 354-B, 379, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have entered the informant's house and started abusing and assaulting with *lathi*, *danda* and rod causing severe injury. Further, co-accused Md. Aftab brutally assaulted her with the butt of pistol causing head injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the injury sustained to the



informant is stated to be simple in nature. The petitioner has no criminal antecedent. Similarly, situated co-accused persons have been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 50372 of 2022 vide order dated 06.02.2023.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Phulwaria P.S. Case No. 52 of 2022, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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