

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60851 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- KHAIRA District- Saran

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Pappu @ Arman Alam Son Of Md. Nooruddin Resident Of Village- Khaira,
Ps- Khaira, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh, A.P.P
For the Informant/s	:	Mr. Syed Waquar Haider, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-11-2023 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.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioner is apprehending his arrest in connection with Khaira P.S. Case No. 129 of 2023 dated 09.04.2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 379 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted the informant's



sister with fists and slaps when she went to the house of accused persons. Thereafter, the petitioner assaulted the informant's sister with iron rod on her head, with an intent to kill causing injuries. When the informant went to rescue his sister, the petitioner assaulted him on his head indiscriminately with an iron rod causing injuries and the other accused persons assaulted the nephew of the informant, Md. Imran on his head with *daab* and snatched gold chain from the informant.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. There is a delay of 5 days in lodging the F.I.R. There is case and counter case between both the parties. Learned counsel has submitted that there is free fight between both the parties and both the parties sustained injuries. It is further submitted that the co-accused Nizamuddin sustained injury on vital part of the body though injury is simple in nature whereas the co-accused Hasmuddin also sustained injury on non-vital part of the body which is simple in nature. Learned counsel has further submitted that proper dimension of the injury of Md. Ayub is not mentioned in the injury report as it reflects the depth as skin deep.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer



for anticipatory bail of the petitioner by submitting that the injury of Md. Ayub is grievous in nature caused by hard and blunt substance.

7. Considering the aforesaid facts and circumstances of the case as well as finding some merit in the contention of the learned counsel for the petitioner, 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 court concerned, Saran in connection with Khaira P.S. Case No. 129 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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