

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76525 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SINGHESHWAR District- Madhepura

Md. Sadabuddin, Son Of Sarfuddin, Resident Of Village- Jhitkiya, Ward No. 2, PS- Singheshwar, Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-12-2023

Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in a case in connection with Singheshwar PS Case No. 124 of 2023 dated 11.05.2023, registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and other FIR named accused persons along with 10-15 unknown persons came at the house of informant and started abusing the informant. It is further alleged that on order of the co-accused Firoja Khatoon, the co-accused Md. Sarfuddin, fired on the informant but the same did not hit the target. Meanwhile, the petitioner no. 1, Samim Raj assaulted with rod causing injury on the head of informant, and thereafter, with the assistance of the co-accused Banti and the petitioner no. 2, Sadabuddin, the co-accused Sarfuddin and others brutally assaulted the informant by means of *lathi-danda* and *iron rod*. When the informant's wife and daughter came to save the informant, they assaulted both of them and also committed

misbehave with them and tore the clothes, due to which they became naked. There is allegation of snatching a gold-chain and earring from the informant's daughter by the petitioner no. 2 Sadabuddin and Rs. 15,000/- in cash from the pocket of the informant by accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is quite innocent and has falsely been implicated in this case and he has fair and clean antecedent. It is further submitted that both the parties are agnates and there is allegedly a land dispute running between them and that the specific allegation of firing is against co-accused Md. Sarfuddin. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and no explanation has been given for the delay in the institution of the FIR

5. Learned APP for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner, let the petitioner named-above, in the event of his arrest / surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Singheshwar PS Case No. 124 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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