

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76758 of 2023

Arising Out of PS. Case No.-482 Year-2023 Thana- HARSIDHI District- East Champaran

MD. ZIKRULLAH son of Amrullah Miya Village- Chadahiya Ps- Hardidhi
Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Renu Kumari, A.P.P
For the Informant/s	:	Mr. Fakhruddin Ali Ahmad, Advocate

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

ORAL ORDER

2 21-12-2023 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 Harsidhi P.S. Case No. 482 of 2023 dated 29.07.2023 registered for the offences punishable under Sections 341, 323, 302 and 504 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons along with 15-20 unknown miscreants



holding deadly weapons came to the door of the informant and started abusing. When the informant raised objection, on the order of the petitioner, all the accused persons assaulted the grandson of the informant, due to which he sustained injuries. When nearly persons came, they fled away. Thereafter, the injured was taken to hospital where the injured was declared dead.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is simply an order giver. Learned counsel has submitted that as per the P.M. report the deceased has sustained three external abrasion injuries though the cause of death has been opined as cranio cerebral damage resulting from head injury, though the above three injuries are not on head.

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.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against 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, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 482 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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