

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15190 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Md. Waheed, Son of Late Md. Taiyab, resident of village- Jagir Mohalla
(Lalunagar Ward No. 3), P.S.- Nagar, District -Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Town P.S. Case No.413 of 2023 registered under Sections 323, 354, 448, 307 and 504 read with 34 of the Indian Penal Code.

3. Allegation against the petitioner is to assault the informant and others, causing head and bodily injuries, having intention to cause their death, where occurrence is alleged to be arises out of illegal trade of illicit liquor.

4. It is submitted by learned counsel that petitioner has been falsely implicated with present case out of local dispute and differences. It is submitted that the



allegation against the petitioner is to assault son of informant, namely, Arun with bricks on head, where nature of injury, upon medical examination, found single and simple. It is submitted that the assault not appears repeated, without having any intervening circumstances, and, as such, petitioner cannot be said having intention to cause death, which is a prime consideration to attract a case for the offence under Section 307 of the Indian Penal Code. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as nature of injury as alleged to be caused by petitioner is simple and single in number, without having any intervening circumstances, negating *prima facie* intention to cause death, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial
Magistrate, Begusarai in connection with Town P.S. Case
No.413 of 2023, subject to the conditions as laid down
under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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