

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24588 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Shamshad Kha @ Shamshad Khan Son of Late Mohib Khan R/o Barki
Sarimpur, P.S.- Buxar (Industrial Area), Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-05-2024 Heard Mr. Md. Fazle Karim, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Buxar(Industrial Area) P.S. Case No. 247 of 2023 for the offence registered under sections 147, 148, 149, 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 07.09.2023 by the informant, Shameem Kha.

3. As per the prosecution story, the informant alleged that while he was going to the grocery shop to buy household items, the accused persons armed variously came and after abusing why the case lodged has not been taken back, allegation amongst other against this petitioner is of assaulting by an iron rod, causing injury on the head. Further, allegation is against Mukesh Rai that he also assaulted on the back and the leg.



Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that there is a case and counter case, the case lodged by the sister of the Mukesh Rai is earlier to the present case, the injury has been found to be simple in nature as would be seen from the order of the learned Sessions Judge.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that though simple in nature, the allegation is of causing injury on head.

7. Though there is allegation of causing injury on the head, the same has been found to be simple in nature, there is case and counter case, F.I.R. lodged, the petitioner will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 10,000/-, as stated



above.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Buxar (Industrial Area) P.S. Case No. 247 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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