

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39651 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Samas Tabrez @ Prince @ Raish Khan @ Sams Tavrej Son of Md. Shakil @
Md. Sakil Ahmad Resident of Village- Ward No- 8, Sonbarsa ,Police Station
-Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashid Zafar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal
Code.
3. Learned counsel for the petitioner submits that by
an order dated 10.07.2024 passed by a learned co-ordinate
Bench, the case diary along with the report of the Medical
Board was called. The report of the Medical Board has been
received.
4. The learned counsel next submits that petitioner is a
person with clean antecedent and is a young boy, aged about 26



years and the informant alleges that on coming to know that the accused persons including the petitioner were assaulting his brother on 20.12.2023, accordingly, he reached the place of occurrence, when accused assaulted him, further the petitioner assaulted him by *farsha* causing injury on head, Md. Raja assaulted him with butt of gun, on account of which, his right middle finger got fractured, thereafter, Md. Rukhsar snatched Rs.25,000/- from his pocket and Md. Nafees took gold chain worth Rs.55,000/- and thereafter, the accused fled in a car. The learned counsel submits that petitioner has been falsely implicated in the instant case. It is next submitted that even presuming what has been alleged against the petitioner is true without admitting then he is alleged to have assaulted the informant by *farsha*, causing injury on head but then it is submitted that from perusal of the report of the medical board, it would manifest that the medical board has opined that injury on head was simple, while injury on the middle finger was grievous. It is also submitted that blow was not repeated. It is next submitted that since the injury has been opined to be simple in nature, which amply demonstrates that the petitioner never had any intention of committing a serious occurrence. It is next submitted that in the event if the petitioner is sent to jail his



entire career would get jeopardized and chances are bright that he may come in contact with hardened criminals.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sonbarsa Raj P.S. Case No.299/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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