

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60938 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- CHAUSA District- Madhepura

Md. Samim @ Shamim Alam S/o Md. Taiyab Resident of Village- Kunjar
Toli Kalasan, Ward No- 6 PS- Chausa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 323, 324,
307, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 18.08.2023 while her family members were
sleeping, she heard some noise, and accordingly, went to the
door, on which, she saw all the named accused persons
including the petitioner, who were variously armed started
assaulting her husband. It is next alleged that petitioner
assaulted the husband of the informant by a Garasa causing
injury on head, thereafter, Shamina Khatoon assaulted by bhala
and Md. Taiyab snatched silver chain of the informant's



husband.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner and informant are neighbour and on account of dispute relating to passage, an altercation had taken place, in which both sides assaulted each other. It is next submitted that even presuming what has been alleged is true without admitting then the injury suffered by the injured is simple in nature, which amply demonstrates that petitioner never had any intention of committing a serious occurrence.

5. Learned A.P.P. Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of page 12 to the anticipatory bail application, it would manifest that the same is the injury report of the husband of the informant, wherein it has been recorded- 'referred to higher center for further investigation', which amply demonstrates that the injury suffered by the injured was not simple in nature or else the injured would not have been referred to higher center for further investigation. It is also submitted that even injury report is not on record.

6. The learned counsel appearing on behalf of the petitioner submits that at the time when the anticipatory bail



application was filed, the injury report had not come but he has instruction to make submission that injury report has come and the same records that the injury suffered by the injured is simple in nature.

7. 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 Chausa P.S. Case No.240/2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner, shall verify the injury report of the injured and in the event if it is found that the injury suffered by the injured is grievous in nature in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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