

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65552 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SHRI NAGAR District- Madhepura

MD. MUSTAK @ MUSTAQUE S/O MD. IBRAHIM @ MD. IBRAHIM
SHAIKH VILLAGE- GHOURDAUL, PS. SRINAGAR, DIST.
MADHEPURA Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Srinagar P.S. Case No. 140 of 2022 registered under Sections 147, 148, 149, 448, 379, 324 and 307 of the Indian Penal Code and section 27 of the Arms Act lodged on 11.12.2022 by the informant, Biwi Rehana Khatoon.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused persons assembled and used bow and arrow as also the arms to assault the informant's side. The allegation against this petitioner is of using arrow which hit the right hand of Nikail. One Md. Hatta opened fire which hit the informant, Biwi Rehana Khatoon whereas Md. Ibrahim caused injury to Md. Tauhid. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



though there is allegation of causing injury on the right hand of Nikail, no such injury has been found and/or reported by the doctor, the injury reports relate to Md. Tauhid and the informant.

5. On this submission, on the last occasion, the co-ordinate Bench vide order dated 17.10.2023 had called for the case diary along with the injury report.

6. This Court has gone through the injury report which relates to Md. Tauhid and the informant and there is no injury report relating to Nikail.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

8. Taking into account the fact that no injury has been found on Md. Nikail, the injury has been inflicted on Md. Tauhid and the informant, Biwi Rehana Khatoon, this Court is inclined to grant him privilege of anticipatory bail.

9. 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 SDJM, Madhepura in connection with Srinagar P.S. Case No. 140 of



2022 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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 his 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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