

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71424 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- PHULWARIA District- Begusarai

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Mohammad Sahabuddin @ Md. Shahabuddin @ Md. Saho, Son of Md. Asaraf, Resident of Ward No. 11, Phulwaria- 01 Ganj, Phulwaria (Phulwariya), P.S.- Phulwaria (Phulwariya), Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Heard learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Phulwaria P.S. Case No. 67 of 2023 registered for the offences punishable under Sections 147, 148, 323, 341, 354, 307, 504 and 506 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on the fateful day while the informant along with his brothers were going to his house, in the meantime, all the seven F.I.R. named accused persons, including the petitioner, and two unknown persons armed with deadly weapons surrounded the informant. It is specifically alleged that co-accused Md. Rustam assaulted the informant by means of iron rod. The allegation against the petitioner is of assaulting the informant by means of



handle of hand-pump (Chapakal) on his head. While the mother of the informant came to his rescue, she was also assaulted by other accused persons. In the said occurrence, the informant and his two brothers have also sustained serious injuries.

4. Learned Advocate for the petitioner drawing the attention of this Court to the F.I.R. primarily contended that though in the F.I.R. one Md. Saho, son of Md. Boudhu Marhum, has been made accused along with other accused persons, but despite the fact that the name of the petitioner is Md. Sahabuddin @ Md. Shahabuddin @ Md. Saho, S/o Md. Asaraf of different place, the police is chasing behind him only due to similarity in the nick name. Learned Advocate for the petitioner further contended that the petitioner has no concern with the alleged crime, but on account of the atrocious act of the police, he has been compelled to approach before this Court. It is next contended that even if the allegation levelled against the accused Md. Saho is concerned, the injury caused by him is found to be simple in nature. In support of the aforesaid contention, the injury reports, as contained in Annexures-2 and 3, have been brought on record. Moreover, co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 33417 of 2024



vide order dated 28.05.2024.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has actively participated in the crime and brutally assaulted the informant and his brothers.

6. Regard being had to the submissions made on behalf of the parties and considering the suspected complicity of the petitioner in the crime, coupled with the fact that other co-accused persons have been allowed anticipatory bail, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Begusarai in connection with Phulwaria (Phulwariya) P.S. Case No. 67 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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