

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61980 of 2024

Arising Out of PS. Case No.-812 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Md. Kamruddin @ Sitare Son Of Late Md. Ashfaque @ Late Md Afak
Ahmad Vill -CHHAPKI Parri, P.S -SADAR, Distt -DARBHANGA

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 17-01-2025 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 offences punishable under Sections 341, 323,
307, 379, 504 and 506/34 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 21.11.2023 at about 01:00 P.M., the petitioner
called his brother Md. Gufran and took him to the orchard where
Ishwar Paswan along with 3-4 other accused were present from
before. It is further alleged that petitioner assaulted the brother of
the informant by shocker of a motorcycle on his head and Ishwar
Paswan assaulted him by an iron rod causing injury on his head
and also took away Rs.10,000/- and a silver chain from his neck



and the injured was taken to the hospital for treatment.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, on account of previous dispute, as would manifest from the allegation as alleged in the FIR itself, wherein it is also alleged that on 22.11.2023 Md. Salauddin @ Monu came to the house of the informant and threatened not to institute any case failing which consequences would follow, further, also such occurrence had taken place before but then the same was compromised, which amply demonstrates that informant and the petitioner were not on good term as such it does not appear probable that on calling of the petitioner, the brother of the informant would have accompanied him. The learned counsel further submits that victim is a drug addict and was admitted in Nasha Mukti Kendra in August, 2022 for three months but after coming from Nasha Mukti Kendra, he again started indulging in drug and misbehaved with Ishwar Paswan, on account of which, an altercation took place, in which, both side assaulted each other. It is further submitted that though in the F.I.R. it is alleged that petitioner along with Ishwar assaulted the victim on head but then there is only one injury, which belies the allegation. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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, let 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 court below where the case is pending/successor court in connection with Darbhanga Sadar P.S. Case No. 812 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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