

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79096 of 2019**

Arising out of PS. Case No.-157 Year-2019 Thana- KUNDWACHAINPUR District- East  
Champaran

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Asraf Alam @ Md. Asraf @ Md. Ashraf, aged about 16 years (M), Son of  
Mumtaj Miyan @ Mumtaj Mian, Resident of Village - Mushaharia, P.S.-  
Kundwa Chainpur, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate  
For the State : Mr. Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 20-10-2020**

The matter has been heard *via* video conferencing due  
to circumstances prevailing on account of the COVID-19  
pandemic.

2. Heard Mr. Sharda Nand Mishra, learned counsel for  
the petitioner and Mr. Md. Matloob Rab, learned Additional Public  
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with  
Kundwa Chainpur PS Case No. 157 of 2019 dated 23.09.2019,  
instituted under Sections 341/323/324/307/504/506/34 of the  
Indian Penal Code.

4. The allegation against the petitioner and others is of  
having attacked the nephew of the informant and specifically



against the petitioner of having given knife blow on the neck and chest of the victim.

5. Learned counsel for the petitioner submitted that the present case has been filed only to save the informant and others from Bairgania PS Case No. 34 of 2019 dated 15.02.2019 filed under Sections 323/324/307/379/380/34 of the Indian Penal Code 27 of the Arms Act by the wife of one of the accused eight months prior to the present case against the informant and others. It was submitted that the petitioner has no criminal antecedent and the injury report does not corroborate the allegation in the FIR.

6. Learned APP, from the case diary, submitted that there is direct and specific allegation of inflicting knife blow on the chest and neck of the victim by the petitioner and the injury report also discloses that there is lacerated wound of 2.5 inches into 1 inch on the chest of the victim caused from sharp cutting object.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

**(Ahsanuddin Amanullah, J)**

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