

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21609 of 2021**

Arising Out of PS. Case No.-157 Year-2020 Thana- CHAKAND District- Gaya

MD. MUSTAQUIM S/O LATE MD. ZAFIR @ ZAFIRUDDIN R/O
VILLAGE-CHAKAND BAZAR, KUNJRA-TOLI, P.S-CHAKAND,
DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Murad Ashraf, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 23-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Chakand P.S.
Case No.157/2020 registered for the offence punishable under
Sections 341, 323, 354, 307, 504, 506 and 34 of the Indian
Penal Code and section 27 Arms Act.

Allegation against the petitioner is that he being the
husband of the informant called her to Gaya for taking the
maintenance amount but when she arrived there, he asked her to
accompany him to take the due money from his friend and took
her to Pirubigha chakand graveyard. It is further alleged that he
left her there and three persons already present at the spot with
covered faces, tried to commit rape upon her but she saved



herself. After that all the accused persons assaulted her with dagger causing injuries on several parts. They also fired gunshot upon her but she saved her life. On hearing the sound of firing three accused persons fled away and the petitioner was apprehended by the villagers.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to misrepresentation and mistake of fact. The main reason behind the matter is the dispute for the house where the petitioner and his wife lived. The informant (wife) was insisting the petitioner to register the house in her name for which other family members of the petitioner were not ready. Hence, the wife of the petitioner with the help of her brother created a false story to pressurize the family of the petitioner. He is already paying maintenance and other necessary things to the informant regularly and also deposited school fees for the children and medical expenses of his wife (informant). It is mentioned in the prosecution case that the petitioner was apprehended by the local people but contrary to this fact investigation report in para-13 says that the petitioner was arrested by the police from his



house. It clearly falsify the alleged statement of the informant. Not a single witness has supported the gunshot firing in investigation report. Also, the injuries were found to be simple in nature contrary to the alleged injuries caused by inflicting knife blow. The injuries sustained were caused due to fall from the motorcycle by which she was going to Gaya with her brother. The petitioner has one criminal antecedent and has been languishing in custody since 04.10.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Gaya, in connection with Chakand P.S. Case No.157/2020.

(Anjani Kumar Sharan, J)

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