

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8530 of 2021

Arising Out of PS. Case No.-528 Year-2019 Thana- KISHANGANJ District- Kishanganj

Tufail @ Md. Tufel Son of Md. Safiuddin @ Safiruddin Resident of Village -
Belwa, Police Station - Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 435, 427, 506/34 of the Indian Penal Code and later on Section 302 IPC has been added.

Allegation against the petitioner that he assaulted the informant by lathi due to which he sustained head injury and accused Saifuddin gave a sword blow on the head of the informant's son, as a result of which son of the informant died.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case due to land dispute. He submits that allegation levelled against the petitioner is general and omnibus in nature. He submits that the injury found on the informant is simple in nature. He further submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application.

However, learned APP for the State and informant oppose the prayer for bail and submit that petitioner has assaulted the informant by means of lathi.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Kishanganj P.S. Case No. 528 of 2019 pending before the court of the learned Chief Judicial Magistrate, Kishanganj.

If the petitioner surrenders before the learned court below and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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