

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7833 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- POTHIIYA District- Kishanganj

NOOR ALAM @ MD NOOR ALAM S/o Saidur Rahman Resident of
Village- Babhangaon, P.S.- Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 380, 452, 324, 354(B), 120(B), 307, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that on 30.09.2021 at about 7:30 am, while she was milking her cow at her house, petitioner along with four other named accused persons came variously armed and started assaulting and abusing and when her husband came to rescue her, he was assaulted. It is next alleged that petitioner assaulted the informant with bamboo stick on her head causing injury and she also suffered injuries on her hand



and legs and he also tore her clothes, thereafter it is alleged that husband of the informant was also assaulted and he sustained fracture on his finger and other injuries, further on orders of Saidur Rahman, the accused persons looted garments and ornaments along with Rs. 2 Lakhs cash from her house.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the informant by way of afterthought has implicated the accused persons, including the petitioner as the date of occurrence is 20.09.2021 and instead of instituting F.I.R., the complainant nine days after the occurrence, i.e., on 29.09.2021, instituted a complaint based on which the present F.I.R. came to be instituted on 29.10.2021. Learned counsel submits that from perusal of the allegations as alleged in the F.I.R. it would manifest that no motive or reason for the occurrence has been alleged and as far as allegations of looting ornaments and taking away cash is alleged, the same is ornamental in nature.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that as to why complaint came to be



instituted after an inordinate delay of nine days.

Considering the submissions made by the learned counsel for the petitioner, 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 Pothia P.S. Case No. 202 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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