

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29917 of 2021

Arising Out of PS. Case No.-346 Year-2020 Thana- MANIHARI District- Katihar

MD. MOFFAZAL @ MOFFAZAL HAQUE Son of Late Mofijuddin Resident
of Village- Bharnathi, P.S.- Amdabad, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Ms. Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Manihari P.S. Case No.346 of 2020, registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 385, 379 and 34 of the Indian Penal Code.

The petitioner along with other co-accused persons assaulted the brother of the informant with sharp edged weapon. They also snatched Rs.18,000/- cash and his mobile. The accused persons snatched the jewellery made of gold from the informant also. It is alleged that the accused persons tried to commit rape with the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the occurrence took place



on 23.11.2020, but the FIR was lodged on 02.12.2020 after delay of 9 days without giving any explanation. It is further submitted that the allegations are general and omnibus. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

From perusal of the case diary, it appears that the injuries are simple in nature.

Taking into consideration the facts that the injuries are simple in nature and there is delay of nine days in lodging the FIR without giving any explanation, let 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 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 learned C.J.M., Katihar in connection with Manihari P.S. Case No.346 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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