

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28505 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- AAJAM NAGAR District- Katihar

S.M. ALI ASGHAR Son of Late Syed Abul Hasnat Presently resident of C/O-
Shahidur Rahman, Pora Nowda, Nima Sarai, P.S. - English Bazar, Malda -
732102(West Bengal), permanently resident of Village and Post - Jalki, Police
station - Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashid Izhar

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks.

The petitioner is apprehending his arrest in Azamnagar P.S.
Case No. 208 of 2020 registered under Sections 147, 148, 149, 323,
307, 504, 506 of the Indian Penal Code.

Prosecution case in short is that the accused persons named in
the FIR along with others arrived at main gate Majaar and tried to
break the lock and on objection made by the informant, the accused
persons assaulted the informant with sword as a result of which, he
received head cut injury.

It has been submitted on behalf of the petitioner that there is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. Prior to institution of the present case, a case was instituted by family member of the petitioner against the informant of the present case. The present case is nothing but the counter blast of the earlier case instituted by the family member of the petitioner. It is a mala fide prosecution brought by the informant against the petitioner and others.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 208 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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