

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21779 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- JANTA BAZAR District- Saran

JAFAR KHAN @ MD JAFAR KHAN Son of Irfan Khan Resident of Village
- Murarpur, P.s.- Janta Bazar, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahtab Alam, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-11-2022 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 447, 341, 324, 307, 379, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on account of dispute relating to repairing of wall, the petitioner with sword and Inaitullah Khan with dab assaulted him indiscriminately causing 3-4 injuries on his head on which he fell down and when his sister came to rescue him, Bhola Khan tore her clothes and snatched her earring and gold chain, thereafter the informant was taken to the PHC from where he was referred to Sadar Hospital, Chhapra.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the allegation of assaulting the informant on head is against the petitioner and Inaitullah as such it cannot be alleged with certainty that whose blow caused injury on the head of the informant, it is also submitted that later the case was compromised.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegations as alleged in the FIR it would manifest that the informant has specifically alleged that he was assaulted by Jafar Khan and Inaitullah by sword and *dab* on account of which he suffered 3-4 injuries on his head and from perusal of the impugned order it would also manifest that one of the injury is grievous, it is next submitted that offence under Section 307 of the IPC is not compoundable.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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