

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52457 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- ARARIA District- Araria

SUFIYAN @ MD. SUFIYAN @ SUFYAN @ MD. SUFYAN Son of Md. Moti @ Motiur Rahman Resident of Village- Belwa, Mirjabhaga, P.S. and District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2022 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, 324, 307, 354(B), 506 and 504/34 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 22.03.2020, at about 04:30 p.m., when he was at his home petitioner along with two others co-accused came and started seeing towards his house on which the informant objected, thereafter, all the accused persons caught the neck of the informant with a towel and dragged him, it is alleged that when the informant's wife came to rescue she was also assaulted and her clothes were torn, further petitioner assaulted the



informant on his head with dagger causing grievous injury and took away Rs.20,000/- from the pocket of the informant, further Umar also assaulted the informant causing fracture on his finger and hand and he also took the chain of the informant's wife worth Rs.70,000/- as detailed in the FIR.

Learned counsel for the petitioner further submits that petitioner has been falsely implicated in the present case and there is delay of five days in instituting the FIR. It is next submitted that though the informant in the FIR has stated that on account of his treatment there was delay in instituting the FIR but if such a serious occurrence had taken place where it is alleged that the informant was assaulted by dagger on his vital part i.e. head then how come the hospital did not inform the police about the occurrence and the fardbeyan of the informant was also not recorded in the hospital. It is, thus, submitted that these facts goes to show that the occurrence took place in some other manner and the informant by way of afterthought implicated the petitioner falsely in the present case. More so when the injury report records that the injury was caused by hard and blunt substance when in the FIR it is alleged that he was assaulted by dagger.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent and the injury report does not corroborate the allegation as alleged in the FIR, 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 Araria P.S. Case No. 259 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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