

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4262 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- SARAIYA District- Muzaffarpur

MD. CHAND ALAM @ MD. WAHID AKHTAR @ MD. CHAND Son of
Md. Sheraj Resident of village - Repura Rampur, Vishwnath, P.S.- Saraiya
(Jaitpur O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 341, 323, 354, 379,
307, 385, 427, 504, 506 and 34 of the Indian Penal Code.

The allegation against the petitioner is that he alongwith
other accused persons assaulted the informant by means of
several weapons due to which he sustained injuries. It is alleged
that the accused persons entered into the house of the informant
and destroyed house-hold articles and took away cash and
jewellery from the informant.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is a case and counter case between the parties and both sides have sustained injuries. There is an admitted land dispute between the parties. He further submits that the occurrence took place on 03.06.2022 but the FIR has been lodged on 13.06.2022 i.e. after a delay of ten days without giving any credible explanation regarding the said delay which creates a serious doubt over the genuineness of the prosecution story. He further submits that nature of injury is not mentioned in the impugned order, the doctor has reserved the opinion regarding the injuries of the informant. Petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case as there is a case and counter-case between the parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Saraiya (Jaitpur O.P.) P.S. Case No.404 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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