

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31471 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- BALIA BELON District- Katihar

MD. EZAZ @ MD. AZAZ SON OF LATE ABDUL MAJID R/O-
MAULANAPUR, P.S.-BALIA BELON, DISTT.-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Rabindra Kumar, along with the learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 506, 34 of the Indian Penal Code.
3. The informant alleges that on account of dispute relating to land, an altercation took place in which it is alleged that the petitioner and his wife assaulted the informant, his mother and his sister-in-law, it is further alleged that the petitioner assaulted the informant with dabia causing injury on the head.
4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the petitioner and the informant are full brothers and in order to give serious colour to the case, it has been alleged that the petitioner even assaulted his mother, it is next submitted that the informant suffered simple injury and the blow was not repeated, it is next submitted that it appears that the occurrence took place in some other manner and the present false case came to be instituted by way of afterthought as the date of occurrence is 31.10.2022 and the FIR has been instituted on 12.12.2022 i.e., after a delay of nearly more than forty days.

6. Learned A.P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that there was an inordinate delay in instituting the FIR.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Balia Belon P.S. Case No. 162 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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