

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35430 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- BARSOI District- Katihar

Md. Hussain Son of Late Idris Resident of village - Balupara, P.S.- Barsoi,
District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Rajendra Prasad Sah, learned counsel for
the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Barsoi P.S. Case No.343 of 2022, registered for the offences punishable under Sections 341, 323, 354, 379, 324, 307, 504, 506, 34 of the Indian Penal Code.

3. It is alleged while the informant was cultivating in field, in the meantime, she was surrounded by the accused persons including the petitioner. It is specifically alleged that this petitioner assaulted the informant on her head with sharp edged *farsa* causing serious injury. Further, allegation has been leveled against other accused persons of assault and misbehave.

4. Learned counsel appearing on behalf of the petitioner submits that as per the narration of the FIR, it is



alleged that the informant was assaulted by means of sharp edge *farsa*, however, the injury report does not corroborate the allegation. Inasmuch as it has been found that the substance used for causing the injuries was hard and blunt. He further submits that though the occurrence took place on 02.12.2022 but surprisingly the FIR has been instituted on 12.12.2022 and no plausible explanation for delay has been given. There is a counter version of the present case, instituted by Md. Hussain, being Barsoi P.S. Case No. 351 of 2022, the copy of which has been brought on record as Annexure-3. He next submits that in fact on account of land dispute a free fight has taken place wherein the petitioner has also received grievous injury and the copy of which has been brought on record by way of supplementary affidavit filed across the board today.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that though the injury report does not corroborate the prosecution case that she was assaulted by sharp edged *farsa*, but the injury is obviously grievous in nature on the vital part.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the injury report which suggest that she was assaulted



by means of hard and blunt substance, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Katihar in connection with Barsoi P.S. Case No.343 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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