

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48350 of 2023**

Arising Out of PS. Case No.-265 Year-2020 Thana- KHAGARIA District- Khagaria

MD. ARSHAD @ ARSHD @ ARSAD Son of Md. Ahsan Resident of Village
- Jalkaura, P.S.- Khagaria (Gangaur), District - Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 24-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 506, 504, 379, 448, 307 of the Indian Penal Code and 27 of the Arms Act.

3. Allegedly, after some altercation, all the accused persons came at the house of the informant with an intention to kill the informant. Accused Afzal, along with other accused persons, is said to have dragged the informant to the Chawk on gun point and when they reached near transformer, on instigation of co-accused Ziaur Rahman, co-accused Khalikur Rahman assaulted the informant with iron rod on his head due to which he sustained injury on his head. It is further alleged



that when the informant's brother came there and tried to save the informant, he was also assaulted by co-accused Afzal with iron rod. In the meantime, accused Afzal took cash Rs. 10,000/- from the pocket of the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation of assault against co-accused Afjal and Khalikur Rahman. Similarly situated co-accused persons have been enlarged on bail by a co-ordinate bench of this court vide order dated 28.02.2022 passed in Cr. Misc. No. 15203 of 2021. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against 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 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 Khagaria (Gangaur) P.S. Case No. 265 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

