

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59412 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- JALALGARH District- Purnia

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FURKAN @ MD. FURKAN Son of Kaiyum Resident of Nijgehwan, P.S-
Jalalgarh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 143, 341, 323, 354, 307, 379, 504 and 506 of the Indian Penal Code pending in the Court of learned J.M. 1st Class, Purnea.

Allegation against the petitioner is that he has assaulted the husband of the informant by means of iron rod.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits though there is allegation against the petitioner to assault the husband of the informant but there is no specific overt act against the petitioner. He submits that there is land dispute between the parties. He submits that the occurrence took



place on 11.06.2022 but the F.I.R. lodged on 14.06.2022 after a delay of about 3 days and there is no explanation of delay in filing of the present F.I.R. which creates serious doubt about the prosecution case. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner are serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is specific overt act against the petitioner and the injuries found upon the victim is grievous in nature, I am not inclined to enlarge the petitioner on bail in connection with Jalalgarh P.S. Case No.106/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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