

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70092 of 2023

Arising Out of PS. Case No.-160 Year-2021 Thana- BARURAJ District- Muzaffarpur

Md. Wasi @ Md. Wasi Akhtar, aged about 23 years, Male, Son of Vakil Ahmad, Resident Of Village -Baruraj, P.S.- Baruraj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Baruraj P.S. Case No. 160 of 2021 registered for the offence punishable under Sections 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner along with one co-accused, namely, Sohail Ahmed had tried to strangle the informant by means of *Gamchha*. Other co-accused persons named in the FIR had snatched Rs. 5,000/- and a gold chain worth Rs. 60,000/- from the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Specific allegation against the petitioner is that he had assaulted on the head of the informant but no injury has been caused on the vital part of the body rather injury is on the hand but the same is grievous in nature. Other co-accused persons have been released on anticipatory bail by the learned Court below. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that other accused persons have been released on bail by the learned District Court but the petitioner has been denied only because of the allegation that he had assaulted the informant on his head by means of iron rod, whereas, the injuries found by the doctor are on hand of the informant. However, it is found that the alleged incidence had taken place on 31.07.2021 and FIR was lodged on 16.08.2021, the petitioner was expunged along with co-accused, Md. Wasim Akhtar, who has been granted bail. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the 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 learned Judicial Magistrate, Ist Class, West, Muzafarpur, in connection with Baruraj P.S. Case No. 160 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.**

(Purnendu Singh, J)

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