

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76748 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- KURSAKANTA District- Araria

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Ajamal @ Md. Ajamal, Male aged about 45 years, S/O Late Md. Hussain @
Matru, Resident Of Village- Dahuwabari, Ward No. 13, P.S.- Kursakanta
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kursakanta PS Case No. 180 of 2023 dated 26.07.2023,
instituted under Sections 341, 323, 324, 307/34 of the Indian
Penal Code.

3. Petitioner is said to have come to informant's
sister's house for the purpose of stealing. The informant woke
up and raised *halla* upon which family members assembled
there and tried to catch him. The petitioner is said to have
assaulted the informant with Dabiya on her head and also
assaulted on her abdomen.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. It is submitted that the present case has been lodged after



five days of the of the alleged occurrence and there is no explanation for the delay in lodging the FIR. It is further submitted that as per the allegation mentioned in the FIR, the petitioner is said to have assaulted with Farsa on the head of the informant but the injury report appears to be simple caused by hard and blunt substance. It is also submitted that there is case and counter case between the parties. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st class, Araria in connection with Kursakanta PS Case No. 180 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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