

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72097 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- FORBESGANJ District- Araria

MD. NIZAM BAITHA @ MD. NAZAM @ NAZAM BAITHA @ NAZMA
BAITHA Son of Md. Mustaf Baitha @ Mustak Baitha R/o Rampur Basgara,
Ward No. 2, P.S- Forbesganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 447, 323, 324,
354(B), 379/34 of the Indian Penal Code. Later on Sections
326, 307 of I.P.C. were also added.

Allegedly, after some altercation, petitioner along with
other accused persons came at the house of the brother of the
informant and assaulted them. Petitioner is said to have given
farsa blow on the head of Abbas.

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 enmity. The allegation levelled against the petitioner is totally false, baseless and concocted. There is case and counter case between the parties. There is inordinate and abnormal delay in filing the complaint petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is delay in lodging the FIR, 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 Forbesganj P.S. Case No. 46 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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