

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9133 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- KUMAR KHAND District- Madhepura

MD. RAHMAN Son of Late Md. Mahfooz @ Mahfuj Alam R/o Village-
Yaduapatti, P.S.-Kumarkhand, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP
For the Informant	:	Mr. Ranjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard Ms. Rabiya Gulnaz, learned counsel for the

petitioner and Mr. Ranjay Kumar Singh, learned counsel

appearing on behalf of the informant as also the State.

2. The petitioner is apprehending his arrest in
connection with Kumarkhand P.S. Case No. 161 of 2023 for the
offence under Sections 341, 323, 307, 506 and 34 of the I.P.C.
lodged on 05.05.2023 by the informant, Afsana Khatoon.

3. As per the prosecution story, the lady/informant has
lodged the FIR stating that her eleven years old son went
missing and later, she was informed by the villagers that he has
been found in an injured/unconscious condition on the roof of
the flood relief building. She went there and found him to be
seriously injured, taken to hospital, firstly to Kumarkhand and



later to Madhepura for proper treatment. Upon inquiry, her son disclosed the names of Md. Sahil, Md. Firoz and Md. Sahid as there was an old enmity with Md. Firoz.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that at first instance, the child took the name of Md. Sahil, Md. Firoz and Md. Sahid and the enmity has also shown to be with Md. Firoz. Subsequently, he bettered his statement under 164 Cr.P.C. in which, he dragged the name of this petitioner assigning two roles, firstly that he was having his knife in his hand and later of assaulting with rod. She submits that it is an afterthought only to implicate him. The last submission is that the petitioner do not have any criminal antecedent.

5. Learned counsel appearing on behalf of the informant on the other hand submits that a child has been brutally assaulted and he has photograph to show that he has suffered multiple injuries.

6. Learned APP also supports the informant's version stating that in 164 Cr.P.C his name has come.

7. Though this Court finds force in the submission put forward by the learned counsel for the petitioner that at first instance, the child did not name this petitioner and further two



roles have been assigned to him inasmuch as he has been alleged of having knife in his hand but the assault has been made by rod. However, considering the fact that subsequently, he was named by the child/victim, it would be appropriate that he seek bail.

8. The anticipatory bail application as such stands rejected.

9. The petitioner if surrenders within four weeks from today, the Court concerned shall take into account the aforesaid facts that he was named earlier in the FIR as also the fact that some of the accused persons namely Md. Sahil and Md. Firoz have been granted bail and the petition be disposed of preferably on the same day.

(Rajiv Roy, J)

Adnan/-

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