

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6698 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- MANIYARI District- Muzaffarpur

Md. Sarfe Alam S/O Md. Faiyaz Resident of Village- Chapki, Ps. Maniyari,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Maniyari P.S. Case No. 209 of 2023, registered on 06.07.2023 for the offences under Sections 341, 323, 379, 324, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, in a domestic dispute, the petitioner and other co-accused persons assaulted the informant causing a number of injuries to the informant. They also took away two thousand rupees from the pocket of the informant.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is brother of Sabana Khatoon, who is daughter-in-law of the informant and there is case and counter case between the parties. Maniyari P.S. Case No. 208 of 2023, dated 06.07.2023 has been lodged by Sabana Khatoon against her in-laws for the offences under Sections 341, 323, 324, 354, 447, 448, 504, 506/34 of the Indian Penal Code and in order to save his skin, the informant has lodged this false case. Learned counsel further submits that the allegation against the petitioner is that he gave sword blow on the head of the informant causing cut injury in the right side of his head but no sword injury has been mentioned in the injury report which is a fabricated one. The injuries are all lacerated wound and three of them are stated to be simple and 4th one is stated to be grievous but there is no allegation of causing any of the injuries against the petitioner. Learned counsel further submits that the petitioner is having criminal antecedent of three cases which are lodged in a domestic dispute.

5. Learned APP as well learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that by the grace of god the informant was saved but he



concedes that there is no injury showing the assault by sword from the injury report. Learned counsel for the informant further submits that the petitioner has concealed one of his criminal antecedents and has not mentioned about Maniyari P.S. Case No. 72 of 2023.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of corroborative injury alleged against the petitioner and further considering the domestic dispute between the parties and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Muzaffarpur (West)/concerned court in connection with Maniyari P.S. Case No. 209 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

However, before accepting the bail bonds of the
petitioner the learned court below will verify the fact that the
petitioner is accused in Maniyari P.S. Case No. 72 of 2023 or
not and if it is found that the petitioner is accused in the said
case then his bail bonds will not be accepted.

(Arun Kumar Jha, J)

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