

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28444 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- PALASI District- Araria

Md Kashir @ Kasir Uddin Son of Nur Alam Resident of Village- Karor
Dighli, Ward No. 9, P.S.- Palasi, Dist.- Araria. Petitioner/s

Versus

The State of Bihar Patna. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mandal

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned A.P.P.

for the State

2. The petitioner apprehends his arrest in Palasi P.S. Case No. 26 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 448, 435, 379, 504 and 506 of the Indian Penal Code pending in the Court of learned A.C.J.M.-I, Araria.

3. All the accused persons including this petitioner armed with lathi, farsa and sword is said to have came at the house of the informant. They abused and assaulted the informant and the petitioner assaulted the informant on his head by means of farsa sustaining grievous injury to him.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to previous enmity and the land



dispute. No specific overt act has been attributed against the petitioner. It is further submitted that there is counter version of the case bearing Palasi P.S. Case No.27 of 2023. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent.

5. Learned APP for the State vehemently opposing the bail petition submitted that there is serious allegation against the petitioner to assault on the head of the informant and the injury is grievous in nature. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the injury, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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