

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28270 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- SAKRA District- Muzaffarpur

Md. Akhtar @ Md. Akhtar Husain, S/o- Md. Rahman @ Tasleem Resident of
village- Sakra Faridpur, P.S- Sakra Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinandan Pd. Singh, Sr. Advocate

Mr.Kumar Sameer, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sakra P.S. Case No. 588 of 2023 registered for the alleged offences under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and co-accused persons picked up some quarrel with the son of the informant and, thereafter, the petitioner Md. Akhtar gave him knife blow on his head causing injuries over right eye and other co-accused persons hit the son of the informant with iron rod on the back of his head due to which the son of the informant became unconscious.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From perusal of the FIR, it is apparent that the informant is not an eye witness. The occurrence took place in the background that the son of the informant had taken some articles from the co-accused persons and when the co-accused insisted on payment, this false and fabricated case has been filed. Learned counsel further submits that though there is allegation of causing knife injury against the petitioner, but no sharp cut injury has been found on the person of the victim. Learned counsel further submits that the petitioner is having one criminal antecedent and he was on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that though there is allegation of causing knife injury against the petitioner, but no sharp cut injury has been found on the person of the victim and further considering the 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Muzaffarpur/court concerned, in connection with Sakra P.S. Case No. 588 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

