

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33821 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- MATIHANI District- Begusarai

Md. Faisal Son of Md. Kamrujma R/o Village- Lalapur, P.S.- Matihani, Dist.-
Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Matihani P.S. Case No. 170 of 2023 dated 16.11.2023, instituted for the offence punishable under Sections 323, 341, 307, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is that informant was assaulted by the petitioner and other co-accused by means of iron rod over the head of the informant with an intention to kill him. They were insisting for withdrawal of case filed by the wife of informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that both the parties are agnates and



there is an admitted land dispute between the parties. The allegation against the petitioner is that he assaulted on the head of the informant by means of iron rod. It is submitted that from the statement of the independent witnesses in paragraph 23 and 24, it is evident that both the witnesses did not disclose the name of the assailants that who assaulted on the head of the informant. It is further submitted that there is a case and counter case between the parties. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner and submitted that there is a specific allegation against the petitioner of assaulting on the head of informant by means of iron rod.

6. The injury mentioned in the injury report of the informant is as follows:-

I. Lacerated wound i.e. 2" X 0.5 cm X bone deep at Scalp over right frontal lobe which is grievous in nature.

II. Mild swelling over right side of nose.

7. The injury report corroborates the allegation levelled against the petitioner.

8. Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the



petitioner.

9. However, if the petitioner surrenders before the learned court below within four weeks from today and prays for regular bail, the same shall be considered and disposed of preferably, on the same day, on its own merit without being prejudiced by this order.

(Khatim Reza, J)

Sankalp/-

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