

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50630 of 2024

Arising Out of PS. Case No.-210 Year-2023 Thana- TARAPUR District- Munger

Md. Azaz Ahmad @ Md. Azaz son of Alamgir R/O Vill-Rampur, PS - Tarapur
Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 354(B), 379, 448, 504 and 506/34 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that after offering Namaz he
came to a tea stall, where named accused persons including the
petitioner started assaulting him and when he tried to flee away
petitioner assaulted him by an iron Khanti causing injury on his
head. Thereafter, Md. Banti and Md. Arwaz wrapped towel
around the neck of the informant and dragged him. Further, Md.
Gulfaraz threw hot water on the body of the informant and



thereafter accused entered his house and damaged household articles and Md. Siraz acted inappropriately with his daughter and pushed her on the wall and took away Rs.70,000/- along with ornaments.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that from perusal of the order impugned, it would manifest that the injury report of the injured was not produced. It is next submitted that at para 59 of the case diary, it has been recorded that no abnormality was seen in the CT scan of the brain.

6. Mr. Chandra Bhushan Prasad learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though a plea has been taken that petitioner has been falsely implicated in the instant case by the informant on account of dispute relating to land but then from perusal of the pleadings made in the anticipatory bail application, it would manifest that the same does not even remotely suggest that there was any previous enmity of the petitioner with the informant which amply demonstrates that the petitioner has taken a bald plea. It is further submitted that the allegation is of assaulting



the informant on head by an iron Khanti which is vital part of the body. It is next submitted that though injury report was not produced before the learned District Court but then it appears that the police tried to help the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tarapur P.S. Case No. 210 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of the injured and in the event it is found that the injury is grievous in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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