

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48247 of 2024

Arising Out of PS. Case No.-173 Year-2019 Thana- BATHNAHA District- Sitamarhi

Mohammad Sarfraj Alam Laheri @ Sarfaraz Alam Laheri @ Sarfaraz Alam
Son Of Md. Mugale Alam Laheri Resident Of Vill- Kamaldah, Ward No.- 08,
P.S.- Bathna, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar, Adv.
For the State	:	Mr.Syed Ehteshamuddin, APP
For the Informant	:	Md Fazle Karim, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner along with others had earlier moved
before this Court with a prayer for anticipatory bail in Cr. Misc.
No. 5991 of 2020 and vide order dated 28.02.2020, the prayer
for anticipatory bail of five accused persons was allowed but,
the prayer for anticipatory bail of the three accused persons
including the petitioner was rejected.

3. The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 173 of 2019 instituted for the offences
under Sections 147, 148, 149, 323, 379, 504, 506 of the Indian



Penal Code and later on Section 307 of the Indian Penal Code has been added in this case.

4. As per prosecution case, the accusation against the petitioner is of putting rope around the neck of the Informant and pulling the same with an intention to kill him. There is also an allegation against the accused persons of assaulting the Informant by means of *lathi*, *danda* and rod as well as committing theft and tearing clothes.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to village politics. There is a persisting land dispute between the parties. Both the parties are co-villagers and there is no independent witness to support the prosecution case. There is a case and counter case between the parties and the present F.I.R. is the counter blast of Bathnaha P.S. Case No. 172 of 2019 instituted by mother of the petitioner against the Informant. The date of occurrence is 09.08.2019 but, the F.I.R. was instituted on 16.08.2019 i.e. after inordinate delay of seven days without any plausible explanation for the same which creates serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since



23.04.2024 without any rhymes or reason. The police after completion of investigation submitted charge-sheet against the petitioner.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that different witnesses have supported the case of the prosecution. The injury sustained by the Informant may be dangerous to life. The offence alleged is serious in nature and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bathnaha P.S. Case No. 173 of 2019.

(Rudra Prakash Mishra, J)

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