

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50050 of 2024

Arising Out of PS. Case No.-92 Year-2022 Thana- PURAINI District- Madhepura

Md. Nasim S/o Md. Sahim Naddaf R/o vill - Diwan Tola Chanda, Ward no. 18, P.S. - Puraini Bazar, Distt. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 18-10-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with S.T. No.336/2022 arising out of Puraini P.S. Case No. 92/2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 & 506 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted the informant's father by means of sickle on his finger.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case on account of land dispute as same is mentioned in Annexure-2 of



the bail petition. The petitioner bears no criminal antecedent. He further submits that despite being the fact that the police station is at a distance of seven k.m. from the place of occurrence, there is inordinate delay of about five days in lodging the FIR, without giving any explanation which questions the authenticity of the prosecution story. He further submits that there is specific allegation the petitioner who said to have hit by means of sickle on the finger of the informant's father but the postmortem report of informant's father clearly indicates that there is three injuries on the head and no injury is found on the finger of the informant's father. In this way, postmortem report has not clearly supported the allegation made against the petitioner. In the light of aforesaid facts and circumstances, no case is made out against the petitioner under Sections 302 and 307 of the I.P.C.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the



learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-III, Madhepura in connection with S.T. No.336/2022 arising out of Puraini P.S. Case No. 92/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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