

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51875 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Amanat Hussain @ Aamnat Husain Son of Anwar Hussain R/O Vill.- Balithi,
Baithi, Narhar Rajepur, P.s.- Muzaffarpur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sahebganj P.S. Case No. 62 of 2024, registered on 05.02.2024, for the alleged offence under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons, who were armed with iron *Dab*, rod, *Lathi* and *Danda*, entered into the house of the informant and the petitioner assaulted the informant with *Dab* on his head. Other co-accused persons also assaulted him. Assailants also took away some ornaments from the house of the informant.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.



There is specific allegation against the petitioner that he gave a *Dab* blow on the head of the informant but the injury report shows the injury was caused by hard and blunt substance and this falsifies the prosecution allegation against the petitioner. Learned counsel further submits that false implication is apparent from the FIR as for an occurrence of dated 27.01.2024, the FIR has been registered on 05.02.2024 and there is no satisfactory explanation for the inordinate delay. Learned counsel further submits that there is land dispute between the parties and the petitioner is agnate of informant. The dispute arose over partition of share and some scuffle took place and the informant fell down and sustained head injury by some hard object. In order to pressurize the petitioner to part with more share in favour of the informant, he has lodged this false case. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioner that he gave *Dab* blow on the head of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of injury for which allegation has been levelled against the petitioner and further considering the background of land dispute and delay in lodging the FIR, 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class (W), Muzaffapur/court concerned in connection with Sahebganj P.S. Case No. 62 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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.

(Arun Kumar Jha, J)

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