

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66760 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- CHARPOKHARI District- Bhojpur

1. Md. Khurshid Alam @ Sonu S/o Md. Gayasuddin Ansari @ Yasuddin Ansari R/o vill - Kanai, P.S. - Charpokhari, Distt. - Bhojpur
2. Md. Jahagir @ Raju S/o Md. Gayasuddin Ansari @ Yasuddin Ansari R/o vill - Kanai, P.S. - Charpokhari, Distt. - Bhojpur
3. Jamaluddin Ansari S/o Late Alisar Ali R/o vill - Kanai, P.S. - Charpokhari, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Charpokhari P.S. Case No. 131 of 2024 registered on 01.06.2024 for the alleged offences under Section 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners assaulted the husband and in-laws of the informant with iron rod, knife and *danda*.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that petitioner no. 1, Md. Khurshid Alam has earlier lodged Charpokhari P.S. Case No. 130 of 2024 under Section 307, 379 and other minor sections of the Indian



Penal Code against the informant side as the petitioners were brutally assaulted by the informant side and they sustained a number of injuries which remain unexplained. Learned counsel submits that the victims of this case have received superficial injuries as it appears from their injury reports. Taiyab Ansari has injuries like scratch over chest, pain and swelling at right shoulder, lacerated wound on left little finger of size 1/4"x1/8"x1/8" and right foot of size 1/4"x1/8"x1/8". All the injuries are stated to be simple except for injury no. 2 for which opinion has been reserved for want of x-ray of right shoulder joint. The injury of Mustaffa Ansari is only swelling with pain at left knee joint. The third injured, Md. Suhel has not been examined as it appears he has not received any injury. The petitioners sustained head injuries due to physical assault by informant side. Md. Taiyab Ansari has not received knife injury as it appears from the injury as the injuries have been caused by hard blunt object. In reality no occurrence as alleged by informant has taken place and informant side has registered the FIR only to save their skin. The petitioners have no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that the opinion of injuries of Md. Taiyab Ansari has been reserved.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



counter case of the petitioner which is earlier in time and further considering simple and superficial nature of injuries and also considering the clean antecedents of the petitioners and the possibility of false accusation, let the petitioners above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court of J.M., Bhojpur, Ara in connection with Charpokhari P.S. Case No. 131 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 petitioners.
- (ii) The petitioners 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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