

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72436 of 2024

Arising Out of PS. Case No.-373 Year-2022 Thana- AAJAM NAGAR District- Katihar

Md. Rahid Son of Yunus Alam @ Yunus Resident of Kamalpur, P.S.- Azam
Nagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Azam Nagar P.S. Case No. 373 of 2022 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, informant found three unknown miscreants riding on motorcycle trying to forcibly open the gate and arguing with Railway Gate man and when same was objected, all the miscreants started abusing. Thereafter, informant took the photo of the motorcycle on which miscreants were riding. It is further alleged that when informant proceeded further and reached Kamalpur Halt station, the aforesaid three unknown miscreants dashed informant from



behind due to which he fell down on the ground and his iron hammer and rintah slipped from his hand. Thereafter, one miscreant inflicted hammer blow upon the head of the informant causing blood injury and all the miscreants fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the motorcycle in question bearing registration No. BR39Z-9427. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent. Learned counsel for the petitioner submits that there are three accused persons and there is no specific allegation against petitioner rather the same is general and omnibus in nature. Basically, a verbal altercation took place between petitioner and Railway Gate man and no actual fight took place. He further submits that petitioner has filed counter case against informant in Ajamgadh P.S. Case No. 374 of 2022 and on account of said reason, petitioner has falsely been implicated in the case. Learned counsel further submits that from perusal of injury report as mentioned in impugned order, injury sustained by informant was measuring about 1" x 1/4" x scalp deep on frontal



scalp. Learned counsel has submitted in para 12 of the bail petition that such injury is simple in nature and it may be occurred due to falling on the ground.

5. The learned A.P.P. for the State opposes 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 , 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 Chief Judicial Magistrate, Katihar in connection with Azam Nagar P.S. Case No. 373 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

