

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80912 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- RAGHOPUR District- Supaul

Md. Murtuza Son Of Md. Sadiq, resident of Village -Rambishanpur, Ps-
Raghopur District -Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Advocate Mr. Vijay Kumar, Advocate Mr. Brahmanand Kr., Advocate
For the Opposite Party/s :		Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends arrest in connection with Raghopur P.S. Case No. 59 of 2023 dated 11.02.2023 instituted for the offence punishable under Sections 307, 323, 341, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 04.02.2023 at about 8.30 am, the petitioner along with other accused persons, armed with lathi and iron rod, surrounded the son of the informant and thereafter, at the behest of the co-accused Md. Afaq, the petitioner assaulted on the head of the informant's son by means of iron rod, due to which blood was oozing from his head.

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



It is further submitted that the informant is not the eye witness of the incident. F.I.R. has been lodged after seven days from the date of incident without any plausible explanation. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is false and concocted. Both the sides are agnates, but due to old enmity between them, the petitioner has been implicated in this case. Lastly, it has been submitted that the petitioner has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has assaulted on the head of the son of the informant by means of iron rod, which caused serious injury in his head.

6. On perusal of the injury report, it shows that left temporal bone has been fractured due to injury and adjacent scalp edema caused by hard blunt substances.

7. Since there is direct allegation of assault against the petitioner by iron rod on the head of the informant, which has been supported by the injury report, I am not inclined to grant Anticipatory Bail to the petitioner.

8. Accordingly, this Anticipatory Bail Application stands dismissed.

(Khatim Reza, J)

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