

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79539 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- ABADPUR District- Katihar

Manjar Alam S/O Late Mansoor Ali @ Maksud Ali R/O Village- Laguwa
Baldiyagachi, Sankola, Ps. Abadpur, Distt. Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned

APP for the State duly assisted by learned counsel for the

informant.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Abadpur P.S. Case No. 60 of 2023 registered for the offences punishable under Sections 406, 420, 341, 323, 384 & 307/34 of the Indian Penal Code. Petitioner has one criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to cheat the informant and also to cause bodily injury which may likely to cause death of the informant, where occurrence is alleged to be arises out of a dispute between the parties relating to



monetary transaction in connection to secure employment of wife of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated falsely out of village politics. It is submitted that only in the complaint petition, which is the basis of formal F.I.R., it is mentioned that assault was made on the neck of informant by using rope, tying around neck alongwith other co-accused persons, causing neck injury, but the same allegation did not supported during investigation by the persons who are said to be the eye witnesses of the occurrence. It is submitted that several eye witnesses supported the factum of physical assault only, where none of them specifically stated that informant received injury on neck, as stated through complaint petition. It is submitted that informant visited nearby government hospital on 24.04.2023, where no such observation was made on registration slip, but suddenly after one month, by way of manipulation, a medical report dated 21.05.2023 was obtained, where the injury, as received by informant on his neck was shown as "grievous". Moreover,



the co-accused who was alleged to hold the rope during occurrence alongwith the petitioner found not present at place of occurrence during the course of investigation making the entire allegation false on it's face. Learned counsel, while concluding argument, submitted that reason of false implication arises out of monetary dispute of Rs. 2,55,000/- which is alleged to paid to the petitioner by the informant in connection to secure a job of "Anganwari Sevika" for his wife, but as she could not secure due to her caste related issue, the present false case was filed under the impression that the process of employment of his wife was disturbed by the petitioner. Learned counsel further submits that however, as a matter of good gesture, petitioner is ready to pay Rs. 1,00,000/- to the informant at the time of furnishing of bail bond.

5. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that informant namely, Abdul Malik appears in agreement to accept Rs. 1,00,000/- at the time of furnishing bail bond.



6. In view of the aforesaid factual submissions and by taking note of the statement of eye witnesses particularly recorded in paragraph Nos. 6, 7, 18 & 19 of the case diary negating *prima-facie* any injury over neck, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of **eight (8) weeks** from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Katihar in connection with Abadpur P.S. Case No. 60 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further condition that:

(I) The learned trial court shall accept the bail bond of the petitioner only when he paid Rs. 1,00,000/- (Rupees One Lakh) by way of bank draft, payable to the informant at the time of furnishing bail bond.

(Chandra Shekhar Jha, J)

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