

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82036 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- MATIHANI District- Begusarai

Md. Faissal @ Md. faisal S/o- Md Kamrujama @ Md. Kamrujma Village-
Lalpur Ward no 6, Ramapur P.S- Matihani District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Matihani P.S. Case No. 170 of 2023 dated 16.11.2023, instituted for the offence punishable under Sections 323, 341, 307, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is that the informant was assaulted by the petitioner and other co-accused by means of iron rod over the head of the informant with an intention to kill him. They were insisting for withdrawal of case filed by the wife of informant.

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 both the parties are neighbours



and there is an admitted land dispute between the parties. Matihini P.S. Case No. 170 of 2019 was lodged by co-accused Md. Kamruzama against informant and others under Sections 341, 323, 307, 504, 506, 34 of I.P.C on 23.11.2019 and further Matihini P.S. Case No. 131 of 2016 was also lodged by co-accused Md. Kamruzama against informant and others under Sections 447, 341, 323, 307, 385, 387, 504, 34 of I.P.C and Section 27 of the Arms Act on 01.10.2016. It is submitted that from the statement of the independent witnesses in paragraph 23 and 24, it is evident that both the witnesses did not disclose the name of the assailants that who assaulted on the head of the informant. It is further submitted that there are two injuries sustained by the informant i.e. I. Lacerated wound of size 2" X 0.5 cm X bone deep at Scalp over right frontal lobe which is grievous in nature and II. Mild swelling over right side of nose. It is further submitted by learned counsel for the petitioner that there is no injury sustained by the informant on chest. Lastly, it has been submitted that the petitioner is in custody since 23.09.2024, he has one criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in Matihani P.S. Case No. 170 of 2023.

(Khatim Reza, J)

Sankalp/-

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