

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81290 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- PURAINI District- Madhepura

Md. Rajjak @ Md. Razak SON OF SEKH ISLAM R/O VILLAGE-
SAPARDAH JALAL TOLA @ JAILALTOLA, P.S.- PURAINI, DIST.-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Puraini P.S. Case No. 87 of 2021 dated 04.06.2021 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 354, 504 and 506 of the IPC.

3. As per prosecution case, the allegation against the petitioner is that he gave a *Garasa* blow on the head of Pappu Thakur and also fractured his hand by means of *Lathi*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is also submitted that there is no injury report available in the case diary to show the complicity of the petitioner in the said crime and there is no material available on record to



connect the petitioner to the said crime. There is case and counter case between the parties and co-accused, Jamunia Khatoon has lodged an FIR against the informant and others under Section 307 along with other allied Sections of the IPC bearing Puraini PS Case No. 86/2021 dated 04.06.2021. It is next submitted that the petitioner, in the present case, has falsely been implicated owing to altercation with the informant for grazing of crops. It is evident from the FIR that the allegation of assault is against seventeen persons which is general and omnibus in nature. It is also submitted that both sides have received injuries. It has been submitted that petitioner has no criminal antecedents. Lastly, it has been submitted that similarly situated co-accused persons, namely, Md. Taslim and Md. Rajik have been granted anticipatory bail by the co-ordinate Bench of this Court *vide* order dated 11.01.2024 passed in Cr. Misc. No. 83954/2023.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and also considering the fact that similarly situated co-accused persons have already been granted anticipatory bail by the co-



ordinate Bench of this Court, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Puraini P.S. Case No. 87 of 2021, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Yogendra Kumar Shukla, learned Judicial Magistrate 1st Class, Udakishunganj, Madhepura subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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