

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84961 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- KALYANPUR District- East Champaran

MD. SAHZAD ALI S/O MD. AABUL HASAN R/O VIII- BAHUARA
HARBANSH, WARD NO 15, P.S.- KALYANPUR, DISTRICT, EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balgovind Sharma

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 137 of 2024 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354(B), 34 of the Indian Penal Code.

3. As per prosecution case, petitioner alongwith others armed with weapon came at the informant's door and started abusing her. Petitioner is said to have put his leg upon the neck of the informant. It is alleged that with an intention to kill, petitioner inflicted knife blow upon the neck of informant's daughter as a result of which she sustained injury.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that from the perusal of FIR, it appears that the occurrence has taken place on 19.05.2024 but the FIR has been lodged on 27.05.2024. He further submits that no plausible explanation has been given by the informant regarding the said delay casts doubt on the prosecution story. He further submits that the injury report of injured Jahana Khatoon indicates that there is lacerated wound upon the neck, abrasion upon left hand middle finger and abrasion upon left hand ring finger (as mentioned in impugned order) which totally falsifies the allegation made against the petitioner as petitioner is alleged to have inflicted knife blow upon the neck of informant's daughter (Jahana Khatoon). He further submits that petitioner has already lodged F.I.R. bearing Kalyanpur P.S. Case No. 134 of 2024 on 21.05.2024 and the present case is nothing but the counter blast of the said case filed by the petitioner. Petitioner bears no criminal antecedent.

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 and also taking into consideration the material available on record, 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 A.C.J.M. - 4th. Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 137 of 2024, 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)

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