

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86686 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- BASANTPUR District- Siwan

Md. Kasim Ali @ Md. Kasim @ Kasim Ali S/O Alim Hussain @ Alim Miya
Village- Chhoti Lakri, Ps. Basantpur (LAKRI Nabiganj), Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2024 Heard Mr. Shiv Sager Sharma, learned counsel for
the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 435 of 2023, F.I.R. dated 16.08.2023 for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have brutally assaulted the son and nephew of the informant. It is further alleged that this petitioner has assaulted the son of the informant on his head by means of iron rod.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including this petitioner and according to part two, there is specific allegation that the petitioner has assaulted the son of the informant, namely, Ddastaghir Alam by means of iron rod and there was no intention to kill and there was no repetition of assault.

5. The learned Additional Public Prosecutor on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the injury report of the Dastaghir Alam, it appears that he has received two injuries and both are grievous in nature.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 435 of 2023 pending in the court of Additional Chief Judicial Magistrate-X, Siwan.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

