

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28103 of 2025

Arising Out of PS. Case No.-10 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Mojahid Raja S/O Mannan Khan R/O Vill.- Katalpur, P.S.- Baikunthpur,
Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2025 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel for the petitioner and Mrs. Dr. Indihar Kumari, learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Baikunthpur P.S. Case No. 10 of 2021, F.I.R. dated 07.01.2021 for the offences punishable under Sections 341, 323, 504, 324, 354, 337, 338, 447, 448, 34 of the Indian Penal Code.

3. According to prosecution case, on 04.01.2021, the informant along with his wife were having dinner at their home, meanwhile they heard some sound at door, on which, they came out and found that *patidars* of informant standing there with sword and other weapons in order to put pressure to withdraw previous case. When the informant denied, the petitioner along



with other accused persons assaulted his wife.

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 there is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 04.01.2021 and the First Information Report has been lodged on 07.01.2021 i.e. after delay of three days without giving reason of delay. As per the allegation the petitioner assaulted the wife of the informant by means of sword on her neck and he has received injury. Learned counsel for the petitioner submits that the injury inflicted upon the injured person is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner submits that from bare perusal of the impugned order it suggest that the injury inflicted upon the wife of the informant is grievous in nature. The relevant paragraph of the impugned order is mentioned hereinbelow:-

“Perused the L.C. record and the case-diary. Accordingly to the F.I.R., petitioner is alleged to have inflicted sword blow on the neck of the wife of informant, namely, Rabeya Khatoon which caused cut injury on her head. Injury-report of injured Rabeya



Khatoon is mentioned in para-36 of the case diary which reveals that she sustained two injuries on her person. Injury no.1 is incised wound over left upper back of ear and injury no.2 is lacerated wound over left temporal region and the doctor opined the injuries as grievous in nature as he found depressed fracture of left temporal bone extending into left parietal bone. From the facts and circumstances of the case, I do not find it a fit case for grant of anticipatory.”

6. Considering the allegation and the facts, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Baikunthpur P.S. Case No. 10 of 2021 pending in the court of Judicial Magistrate-1st Class, Gopalganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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