

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31981 of 2025

Arising Out of PS. Case No.-188 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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Md. Amzad Ali @ Amzad Khan @ Mohammad Amjad Ali S/O
Nekomohammad Khan R/O Dariyapur, P.s.- Sangrampur, Dist.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sangrampur P.S. Case No. 188 of 2020 registered for the offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, being aggrieved by the scolding of the informant and other persons, the petitioner and other co-accused persons came to the shop of the informant and they were armed with lathi, spear and iron rod. They dragged the informant out and assaulted him causing a number of injuries. They also took away Rs.25,000/- from the cash box and



also the goods kept in the shop.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The police investigated the matter and submitted final form and did not send up the petitioner for facing trial. However, learned Additional Chief Judicial Magistrate, differing with the police report, took cognizance against the petitioner and others without any substantive material. Learned counsel further submitted that similarly placed co-accused Naushad Khan, Kaiser Khan and Shahid Eqbal Khan have been granted anticipatory bail by a Co-ordinate Bench of this Court vide orders dated 24.03.2022 and 21.02.2025 passed in Cr. Misc. Nos. 19489 of 2021 and 1651 of 2025, respectively. Though there is assault by four persons who were variously armed, the injured received only two injuries, i.e., an incised wound on the left parietal region of scalp and other injury is tenderness near left eye. This shows the allegations are completely false and concocted for assaulting the informant with lathi, spear and iron rod. Learned counsel further submits that a compromise has also taken place between the parties and no offence under Section 307 IPC is made out in the given facts and circumstances, the petitioner deserves to be enlarged on anticipatory bail. The



petitioner has got clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against the petitioner is that he assaulted the informant with spear on his head.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of injury and also considering the clean antecedent of the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Sangrampur P.S. Case No. 188 of 2020, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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