

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49396 of 2025

Arising Out of PS. Case No.-1569 Year-2023 Thana- COMPLAINT CASE District- Araria

Khalid @ Munna S/O Kayam Uddin R/O Vill.- Paik Tola, Farauta, Ghallia Tola, Ward no. 9, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samsul @ Samsul Alam S/O Late Chhedi R/O Vill.- Paik Tola, Ghalli Tola, Ward no. 9, P.S.- Araria, Dist.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, A.P.P.
For the Complainant	:	Mr. Md. Naushaduzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the complainant alleges that petitioner instituted Araria P.S. Case No. 539 of 2022 with false allegation as the injury report of the petitioner records body ache, abrasion and wound on neck but then the injury has been opined to be grievous when petitioner in the aforesaid FIR had not alleged that he received any injury on the



neck nor stated in his statement recorded in the case diary. Further, a Medical Board was constituted on the prayer of the wife of the complainant in the aforesaid FIR which did not find any external injury on the body of the petitioner, thus, alleges that even Doctors prepared forged injury report.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant for the reason that petitioner had earlier instituted Araria P.S. Case No. 539 of 2022 against the complainant and others alleging that the accused assaulted him by rod causing injury on temporal region and thereafter assaulted by lathi and danda. It is further submitted that petitioner after receiving the injury was taken to the Doctor by the police for checkup and the Doctor found the injury to be grievous, as such, the petitioner cannot be faulted for the same.

5. Learned counsel appearing on behalf of the complainant submits that in Araria P.S. Case No. 539 of 2022, the wife of the complainant had petitioned the authorities for constituting a Medical Board for examining the petitioner in pursuance whereof a Medical Board was constituted and the Medical Board recorded as follows:-

“We examined Md. Khalid @ Munna (petitioner



herein), S/o Md. Kaiyummuddin at Paiktola Ward No. 09 Dhalli Tola, P.S. Araria on 27.03.2023 and found following:-

No external injury then we advised Md. Khalid for re-investigation of CECT. As soon as he heard regarding test, he fled away. Then we informed Mr. Ram Prasad Mahto, ASI (concerned I.O. of the Case No. 539 of 2022) to produce him for test. He also submitted the report that Md. Khalid refused to come for test. After examining the previous injury report in which the following injury prescribed:-

Only abrasion on neck, no external injury found.

We conclude - No fracture can occur by above injury. Hence, CECT report presented by Md. Khalid is false.”

6. Learned counsel, thus, submits that the complainant based on a false allegation was sent to judicial custody.

7. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

8. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory



bail to the petitioner for the reason that it has been recorded by the Medical Board that when petitioner was asked to appear for CECT investigation, he fled away.

9. Hence, the prayer for anticipatory bail of the petitioner is rejected in connection with Complaint Case No. 1569 of 2023 pending in the Court of learned Chief Judicial Magistrate, Araria/Successor Court.

(Satyavrat Verma, J)

Kundan/-

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

