

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64071 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Md. Afsar @ Isteyhak Alam son of Md. Aftab Resident of Vill- Naya Tola,
Masjid ke Samne Vali Gali, P.S.- Bettiah Town, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Rakesh Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bettiah
Town P.S. Case No. 185 of 2024 instituted for the offences
under Sections 341, 323, 324, 307, 34 of the Indian Penal Code.

3. As per prosecution case, while the Informant's
brother was returning, the petitioner along with 3-4 unknown
persons surrounded him. It is alleged that the unknown persons
caught hold his brother and the petitioner inflicted blow with
knife due to which he sustained injury over his body and fell
down.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is a counter version of the alleged occurrence bearing Bettiah Town P.S. Case No. 187 of 2024 lodged by the present petitioner against the Informant's brother Md. Amit and two others. The petitioner has also sustained injuries in the alleged occurrence. The Informant is not the eye-witness to the alleged occurrence. There is also no independent witness to the alleged occurrence. Learned counsel for the petitioner further submits that no motive has been assigned for commission of the alleged offence which creates doubt in the prosecution case. Charge-sheet has been submitted in this case. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is direct allegation of assault by knife against the petitioner. The injury received the victim is grievous in nature. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bettiah Town P.S. Case No. 185 of 2024.

(Rudra Prakash Mishra, J)

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