

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86270 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Wajir Alam S/O Mohammad Yusuf @ Md. Isub @ Yusuf R/O Village- Dera
Mari, Ward No. 4, P.S- Kochadhaman, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Singh
For the State	:	Mr.Chandra Sen Prasad Singh
For the informant	:	Mr. Praveen Kumar Agrawal
		Mr. Santosh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 216-01-2025
1.

Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2.

This application, for grant of anticipatory bail, arises out of Kochadhaman Police Station Case No. 151 of 2024, dated 02.08.2024, disclosing offences punishable under Sections 126(2)/115(2)/117(2)/110/303(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3.

The prosecution case, as per the First Information Report, is that on 29.07.2024, while the informant was going on his motorcycle towards his house, he was chased and waylaid by the petitioner and other accused persons and when the informant reached near Mastan Chowk, they



surrounded him, assaulted him by iron-rod, due to which he sustained injury. The accused persons also snatched a sum of Rs. 45,000/- from the dickey of the motorcycle and a sum of Rs. 950/- from the pocket of the informant and upon noise made by the informant, villagers gathered there and the accused persons fled away after leaving the motorcycle at the place of occurrence. The petitioner is the owner of the motorcycle in question.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case, which would be evident from the statement recorded by the independent witnesses during the course of investigation that on the date of occurrence, one person was coming from Mastan Chowk after hitting a she goat and two persons were chasing him on a motorcycle. Near the Chowk, an altercation took place between them upon which, the informant called his family members. The petitioner and one another person fled away after leaving the motorcycle at the place of occurrence. He further submits that there was no intention/motive of committing robbery and the petitioner has been implicated in this case due to scuffle between them as the informant after hitting



the she goat tried to fled away and the petitioner and another were chasing on his motorcycle in order to catch the informant. The informant fell down from his motorcycle and sustained some injuries. He further submits that there is four days' unexplained delay in lodging the First Information Report.

5. On the other hand, learned Counsel for the informant opposes the prayer for anticipatory bail and submits that the informant has sustained injuries due to the assault by means of iron rod by the petitioner and other co-accused person, who upon arrival of the villagers fled away after leaving the motorcycle.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner has got no criminal antecedent and there is four days' unexplained delay in lodging the present First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of



four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Kochadhaman Police Station Case No. 151 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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