

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90058 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Aakib Alam @ Md. Akib Son of Late Md. Manzoor @ Md. Manzoor
Alam Resident of village - Bazidpur, P.S.- Mufassil (Lakho) O.P., District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shams Akhtar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in
connection with Mufassil (Lakho) P.S. Case No. 62 of 2023
registered for the alleged offences under Sections 341, 323, 385,
307, 506, 504/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other
co-accused persons, who were armed with pistol, knife and iron
rod, surrounded the informant and demanded Rs. 1,00,000/- as
extortion money from him. When the informant refused, the
petitioner hit him on his head with iron rod, causing its fracture.
Co-accused Md. Asif threatened the informant with knife and
made him made him part with Rs. 40,000/-. Even after taking



money, the petitioner and other co-accused persons brutally assaulted the informant, who was saved by intervention of the nearby people when he raised alarm.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 05.02.2023 at 07:00 PM, but the police was informed only on 07.02.2023 and there is no explanation for the delay caused in lodging the report. There is counter versions and brother of the petitioner, namely Md. Minhaj has lodged Mufassil (Lakho OP) P.S. Case No. 126 of 2023 for the offence under Sections 341, 323, 385, 307, 504/34 of IPC against the informant's father and his four brothers. However, the *fardbeyan* was recorded 25.02.2023, but the FIR has been registered after much delay. Learned counsel further submits that the injury report of the informant shows all the injuries are simple and none of the injuries is on any vital part. The petitioner is in custody since 15.09.2024 and charge-sheet has been submitted. The petitioner is having antecedent of three cases.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that there is specific allegation against the petitioner that he hit on the head of the informant



with iron rod and further allegation is for snatching Rs. 40,000/- from the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case of the parties and also considering the simple and superficial nature of injury received by the informant and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai/court concerned in connection with Mufassil (Lakho) P.S. Case No. 62 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

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