

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89798 of 2024

Arising Out of PS. Case No.-161 Year-2022 Thana- BAISI District- Purnia

Akhtar @ Kaila @ Akhtar Malik Son of Late Malik Hasib @ Mohammad
Hasib Resident of Village- Khoksa, P.S.- Baisi, District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Baisi P.S. Case No. 161 of 2022, dated 27.04.2022, registered under Sections 341, 323, 307, 379, 277, 504, 147, 148, and 149 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added during the course of investigation.

3. The prosecution case, in brief, is that on 20.04.2022, the accused persons including the petitioner had laid an ambush in the village due to a land dispute. It is further alleged that the accused persons, comprising family members and co-villagers, allegedly stopped the husband of the informant on his way home, abused and assaulted him with fists, kicks, rods, and sticks. It is alleged that the petitioner assaulted



informant's husband with a Dabiya, causing a serious head injury. They also stole Rs. 5,000 from his pocket. When the informant intervened, she too was assaulted and threatened. The accused persons fled away only after neighbours gathered at the scene. It is further alleged that the accused persons poisoned their drinking water. The husband of the informant sustained several injuries and is undergoing medical treatment in Purnia.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that the First Information Report has been lodged against 12 (twelve) named accused persons, including the petitioner. The specific allegation against the petitioner in the FIR is that he assaulted the deceased with a '*Dabia*'. It is further submitted that the postmortem report of the deceased does not support the case of the prosecution. The date of occurrence is 20.04.2022, while the FIR was lodged on 27.04.2022, and the husband of the informant ultimately succumbed to his injuries on 07.05.2022 during the course of treatment. The postmortem report reveals that the doctor has opined the cause of death was hemorrhage and shock due to injuries caused by hard and blunt objects, which does not correspond with the allegation of a *Dabia* blow attributed to the



petitioner. It is next submitted that there is no eye-witness to the occurrence. During the investigation, two independent witnesses, namely Yogendra Rai and Jakir, have been examined in paragraph nos. 18 and 19 of the case diary respectively, wherein they have categorically stated that all the accused persons assaulted the deceased, but no specific overt act has been attributed to the petitioner. It is also submitted that although the deceased remained alive until 06.05.2022, no statement was recorded by the Investigating Officer, which could casts serious doubt on the authenticity of the prosecution case. Further submission is that the informant is the stepmother of the petitioner, and there is land dispute between the parties. The petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Purnia, in Baisi PS Case No. 161 of 2022, subject to the conditions laid down in Section 438(2) of



the Cr. P.C.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

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

