

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37694 of 2020**

Arising Out of PS. Case No.-91 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Md. Faiyaz, aged approx 45 years, Male, Son of Late Md. Kalim Resident of Village- Rampur Ugan, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate with
Ms. Vaishnavi Singh, Advocate
For the State : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 20-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel along with Ms. Vaishnavi Singh, learned counsel for the petitioner and Mr. Umesh Lal Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Motipur PS Case No. 91 of 2020 dated 24.03.2020, instituted under Sections 341/324/307/379/504/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of assault on the informant as also snatching of Rs. 10,000/- from his pocket and specifically against the petitioner that he had a sword in his hand whereas the other accused are said to be



armed with iron rod.

5. Learned counsel for the petitioner submitted that there is also counter case being Motipur PS Case No. 92 of 2020 filed by the petitioner side alleging attack by the informant and others on his son and niece and also of outraging her modesty and the present case is a counter blast to the same. It was submitted that though the incident is said to have taken place on 24.03.2020 at around 6:00 AM but the FIR has been instituted at 11:30 PM on the said day which is an inordinate delay for which there is no explanation. Learned counsel submitted that it has come during investigation that goat of the informant used to eat the crops from the field of the petitioner due to which there were frequent altercation between the parties. Further, it was submitted that the reason behind the incident is said to be Rs.1,00,000/- taken by the petitioner from the informant which he was not returning, but during investigation the contention has not been substantiated. It was submitted that the petitioner has no other criminal antecedent.

6. Learned APP submitted that from the FIR itself it is clear that there was brutal assault on the informant and the same is corroborated by the injury report where four injuries have been found, including stitch wound on the skull on the left side



just about forehead, caused by sharp cutting weapon and it is the petitioner only who is alleged to be carrying sword and there are other wounds also on the back of the skull as well as on other places. It was submitted that the counter case is a weak case and the allegations are general and omnibus in nature and most importantly, the petitioner being the main assailant in the sense that he only had a sword which is a sharp cutting weapon, which is corroborated by the injury report, as has been noted in the order of the Court below, the allegations cannot be said to be false.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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