

In the court of Additional Sessions Judge-VII

District-Gopalganj

A.B.P. No. 650/2023

Masum Ali @ Masum Sakib Petitioner.

Versus

The State of Bihar Opposite Party.

Ld. Counsel for the Petitioners : Sri Shah Jahan, Advocate.

Ld. Counsel for the O.P. :- Sri Deo Vansh Giri, P.P.

19.04.2023

O r d e r

Anticipatory Bail Application filed on behalf of the petitioner namely Masoom Ali @ Masoom Sakib who apprehends his arrests in connection with Barauli P.S. Case No. 52/2023, U/s. 341/323/324/307/506 IPC is put up for hearing today.

Heard the parties.

Ld. Counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in F.I.R. and no occurrence at all ever took place and due to village politics and group rivalry, this petitioner has been implicated falsely in this case. Further submits that the alleged injuries and the reports are forged and fabricated. Further submits that from the statement of the witnesses recorded in the case diary, it transpires that an incident of marpit took place in between the informant and the accused-petitioner and there was no any intent to inflict murderous assault and no infliction of murderous assault also stands evident from injury report on the record which does not show any repeated blow and the reported wound is of lacerated nature and simple in nature. Further submits that thus no any case U/s. 307 IPC is made out at all. As such as further submits that the petitioner in this case deserves to be given the privilege of anticipatory bail.

Ld. P.P. for the State opposed the prayer of the petitioners.

As per the F.I.R., lodged by the informant Avinash Kumar Chauhan prosecution case is to the effect that on 31.01.2023 at around 09:30 a.m. while the informant was taking her mother to Barauli for her treatment, then at Parsa mor Masoom Ali (accused-petitioner) intercepted the informant, snatched his bikes and kicked, & pushed down his bike and when the informant fell down, then the

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petitioner-accused with intent to kill inflicted knife blow resulting into injury on the back portion of head. It is also alleged that on 28.01.2023 in the informant's village, marpit took place in between two sides in two groups and the informant helped one side to take them PHC Barauli for treatment and being annoyed thereby, Masoom Ali (accused-petitioner) belonging to other groups threatened the informant that he did not do well and will face bad consequences thereof.

Having gone through the rival submissions of both sides and perused the case record. Injury report attached with the case diary show infliction of wound upon the head of the informant as has been narrated in the FIR. As per the bail petition, the petitioner carries criminal antecedent of one Barauli P.S. Case No. 48/2023 (as submitted in para no. 3 of the bail petition). In the given circumstances, I do not find it fit to admit the petitioner to the privilege of anticipatory bail. Accordingly, anticipatory bail petition is disposed of as rejected.

(Dictated)

VIIth. Addl.Sess.Judge