

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49863 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -BIRPUR District- SUPAUL

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Md. Jasim Son of Late Usman Resident of Ward No. 7, Basmatia Road,
Birpur, P.S. Birpur, District - Supaul

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 06-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 307, 379, 341, 323, 504, 354/34 of the Indian Penal Code and that the petitioner having a direct allegation assaulting by Dabia on the husband of the informant has come out to say in paragraph no.7 of the bail application that no injury was ever caused by the petitioner and in fact there was also no injury report, relevant portion of which reads as follows:

“7. That present case is counter blast of earlier instituted case of the petitioner. Petitioner has information that Adbdul Hakim did not sustain any injury so he has no injury report. The learned Sessions Judge, Supaul in very casual manner has rejected prayer of bail of petitioner without verifying what sort of injury informant sustained.”
whereas the learned Sessions Judge has rejected the prayer of



anticipatory bail on the ground that there was specific allegation of assault by Dabia on the head of the husband of the informant, this Court would direct the petitioner, Md. Jasim, to surrender before the court below within a period of four weeks from today and if the trial court after perusing the case diary and/or injury report finds that there is any injury on the person of the husband of the informant duly recorded in the injury report, the petitioner shall be taken into custody and will not be granted bail. On the other hand, if there is no injury report or the report shows no injury on the person of the husband of the informant, the petitioner, Md. Jasim, shall 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 the S.D.J.M., Birpur, in Birpur P.S.Case No. 93/2015, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his

release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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