

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37704 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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AFROZ @ MD.AFROZ ALAM son of Md. Fakharuddin R/o Village -
Lahsaniya Pachpakari, P.S. - Patahi, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 25-10-2016 Heard the counsel for the petitioner and APP for the

State.

A supplementary affidavit has been filed.

On account of lifting the Banana from the orchard of the
informant, the occurrence took place on 11.06.2016 for which the
First Informant Report being Patahi P.S. Case No. 84 of 2016 was
registered under Sections 307 and other allied Sections of the
Indian Penal Code.

In substance, the allegation is that when the informant
came to protest against taking away of the Banana from his
orchard claimed by the prosecution side also, the petitioner
assaulted the informant being his own uncle on temporal region

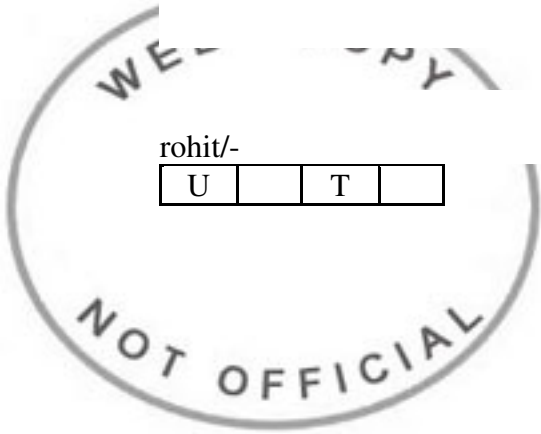
causing injury of 1 ½” x 1/4” which was opined to be simple in nature.

It is submitted that on account of the dispute with respect to lifting of the banana, the prosecution side also inflicted injury on the petitioner, his brother as well as the father for which a case has been filed. The petitioner has no criminal antecedent. Accepting the prosecution case, *argumenti causa*, it would appear that both parties were asserting right/title over the orchard.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in Patahi P.S. Case No. 84 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

During subsistence of his bail, if the petitioner is made accused in any offence like this perpetrated against his family

members, the same shall constitute breach of condition of bail
entailing cancellation of bail bond(s).



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(Kishore Kumar Mandal, J)