

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41679 of 2017

Arising Out of PS.Case No. -14 Year- 2016 Thana -RAUTRA District- KATIHAR

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Md. Safique, son of Malekastur, Resident of Village- Churli Ghat, Police
Station- Rautara, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-09-2017

Heard learned counsel for the petitioner and the State.

The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 03.02.2017 and 08.03.2017 passed in Cr. Misc. 52832 of 2016 and 11663 of 2017 respectively. In the order dated 03.02.2017 the petitioner was given liberty to renew his prayer for bail after six months if no substantial progress is made in the case.

Report has been received from the court below from which it appears that the case is pending for commitment after cognizance.

It has been submitted on behalf of the petitioner that there is case and counter case and both the parties are agnates. The father of the petitioner has instituted Rataura P.S. Case No. 21 of 2016 in which the prosecution party assaulted the petitioner, his father and brother, as a result of which, the father of the petitioner received head injury. The injury sustained by Abdul Rafique was simple in nature and the same



has been enclosed as Annexure-4. The petitioner is in custody since 30.09.2016.

In such circumstances, keeping in view the period spent by the petitioner in custody and the case has not been committed to the court of Sessions till date and there is case and counter case between the parties, in which the persons from petitioner's side had also sustained injury, prayer for bail of the petitioner is allowed. Let the petitioner above named, 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 Smt. Swati Singh, learned Judicial Magistrate, 1st Class, Katihar, in connection with Rautara P.S. Case No. 14 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner is directed to remain physically present in court on each and every date of trial and any two subsequent defaults on part of petitioner without reasonable cause will result in cancellation of bail bonds of the petitioner in the court below.

(Sanjay Priya, J)

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