

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52079 of 2016

Arising Out of PS.Case No. -453 Year- 2015 Thana -BARAUNI District- BEGUSARAI

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Md. Samad, S/o Md. Muslim, Resident of Village - Ninga (Paschim Tola),
P.S. Barauni, District - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate Mr. Vijay Anand, Advocate
For the State	:	Mr. Sri Uday Pratap Singh, APP
For the informant	:	Mr. Sanjay Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-03-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.08.2016 in connection with Barauni P.S. Case No. 453/15
registered for the offences punishable under Section 307 and other
allied Sections of the Indian Penal Code.

The prosecution case is that the petitioner along with
others armed with rod and *lathi*, assaulted the informant's
husband. Specific allegation has been levelled against the
petitioner that he hit the head of the informant's husband with rod,
resultantly he sustained injury.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has no criminal history and charge-



sheet has already been submitted and that there is land dispute between the parties, as is evident from the First Information Report itself. It is submitted that a complaint case, which was later on registered as Barauni P.S. Case No. 62/16 has been lodged against the informant side by the petitioner. It is further submitted that the injury report (Annexure-3) specifies two injuries, wherein with regard to injury no. 1 opinion has been reserved, but the informant's husband has gone to the private hospital which specifies sharp cut over scalp as regards injury no. 1, which are contradictions.

However, learned counsel appearing for the informant submits that the petitioner is named in the First Information Report and has caused severe injury on the informant's husband, hence, does not deserve the privilege of bail.

Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and that charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Barauni P.S. Case No. 453/15,



subject to the condition that the petitioner will appear before the court on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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