

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47526 of 2017

Arising Out of PS.Case No. -262 Year- 2016 Thana -PALASI District- ARRARIA

- =====
1. Md. Hasim @ Hasim, Son of Md. Anabul,
 2. Md. Sadique @ Md. Sadique Alam S/o Md. Hasim, R/o Village- Pipara
Baijwar, P.S.- Palasi, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-11-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
26.07.2017 in connection with Palasi P.S. Case No. 262 of 2016
for offences punishable under Sections 341, 323, 324, 325, 307,
504, 506/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he went to his field, the petitioner and others were
destroying his field and on objection they started abusing. Specific
allegation upon the petitioner no. 1 is of assaulting the informant's
brother Miyajul by means of Farsa on the head and petitioner no. 2
is of assaulting another brother of the informant on head and leg.



It has been submitted by the learned counsel for the petitioners that they are innocent, are own agnates and do not have any criminal history. He submits that because of land dispute the occurrence took place and the present case is a counter blast to case lodged by the petitioners' side being Palasi P.S. Case No. 265 of 2016 of the same time in which both parties have assaulted each other. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners. It is further submitted that injury caused by petitioner no. 2 although it has been found to be grievous but it is not on the vital part of the body.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the injuries on both the informant's brother have been found to be grievous and injury caused by petitioner no. 1 is on the vital part of the petitioner.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner no. 2, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIIrd



Araria in connection with Palasi P.S. Case No. 262 of 2016,
subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

So far as the petitioner no. 1 is concerned, let the petitioner no. 1, above named, be enlarged on bail on completion of six months in custody on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIIrd, Araria in connection with Palasi P.S. Case No. 262 of 2016, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required 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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