

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27111 of 2018

Arising Out of PS. Case No.-129 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

Abid Ali @ Abid Siddique Son of Sri Asdullah Siddique, R/o Vill.- Amwa Bijayipur, P.S.- Kuchaikote, District- Gopalganj, At present Jangalia Ward No. 19, Near Shabnam Hotel, P.S.+ District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. A.P.P.

Mr. Zeyaul Hoda, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 26-09-2018 Heard Sri Y.C. Verma, learned senior counsel, assisted by Mr. Javed Aslam, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Zeyaul Hoda, learned counsel for the informant, who has also filed an affidavit to show, as if, the petitioner even from inside is putting pressure on the informant side.

The petitioner, who is in custody since 12th March, 2018 in Kuchaikote P.S. Case No. 129 of 2017 registered for the offence under Sections 341, 324, 504, 307/34 of the Indian Penal Code, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that petitioner is the own nephew of the informant of the present



case and petitioner with his father has been arrayed as accused by his own uncle, whereas on the same date, father of the petitioner has also lodged a case against the informant of the present case vide Kuchaikote P.S. Case No. 130 of 2017 registered for the offence under Sections 341, 323, 324, 504/34 of the Indian Penal Code, while father was admitted in Sadar Hospital, Gopalganj. He submits that due to land dispute, occurrence had taken place and there is case and counter case in between the parties.

Learned Addl. Public Prosecutor as well as Mr. Zeyaul Hoda, learned counsel for the informant have vehemently opposed the prayer for bail, firstly on the ground that there was specific accusation against the petitioner regarding giving assault on the informant and secondly, it has been argued that while the petitioner is inside jail, he is directly or indirectly threatening the informant side.

In this case earlier, case diary was called for, which has been received. I have also perused the entire case diary.

Considering the facts and circumstances, particularly the fact that there is case and counter case in between the parties, there is no reason to further detained the petitioner.

Accordingly, let the petitioner, namely, Abid Ali @



Abid Siddique be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-VIIth, Gopalganj in connection with Kuchaikote P.S. Case No. 129 of 2017.

It was informed by Sri Y.C. Verma, learned senior counsel appearing on behalf of the petitioner that in this case, yesterday was the date fixed for framing of charge, however it has been deferred. While granting bail, it is made clear that the petitioner must remain present on the date of framing of charge before the court below, failing which his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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