

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47531 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -PARIHAR District- SITAMARHI

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1. Md. Jahid @ Md. Jahid Hussain, S/o Md. Etwari @ Shaikh Etwari, R/o Adalpur, P.S. - Sursand, Distt.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Amresh Kumar Sinha, Adv.
Miss. Preety Kunwar, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-08-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 324, 307/34 of the Indian Penal Code.

The petitioner is in custody since 31.03.2018. Petitioner has stated on oath that he has got no criminal antecedent and investigation of the case is already complete. Allegation in the FIR is that the petitioner assaulted with sword causing injury at the head of the informant and other non-vital parts as well. Annexure-2 would reveal that the informant was hospitalized in a private hospital on 26.03.2018. While noticing the injuries at the time of hospitalization, the Doctor has recorded that the patient was



unconscious probably due to head injury. However, the Doctor is not specific as to when the injured got consciousness before his discharge on 06.04.2018. Moreover, the fardbeyan recorded in the same hospital on 27.03.2018 does not reveal that the injured was in mental and physical condition to make statement to the police.

On the basis of aforesaid infirmities, learned counsel for the petitioner submits that first injury report was prepared in the private hospital and thereafter FIR was lodged falsely implicating the petitioner who has got no criminal antecedent.

Learned counsel for the informant opposed the prayer for bail on the ground that five wounds were noticed by the Doctor on the person of the informant. Specific allegation is against the petitioner, hence, he does not deserve bail.

Considering the aforesaid infirmity in the prosecution case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Parihar Police Station Case No. 34 of 2018, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court



below shall be at liberty to cancel the bail bond of the petitioner as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

(Birendra Kumar, J)

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