

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51380 of 2019**

Arising Out of PS. Case No.-140 Year-2019 Thana- ARA MUFFSIL District-
Bhojpur

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MD. JAMALUDDIN, aged about 55 years, male, Son of Late Md. Qamaruddin Resident of Village-Ram Deo Chapra, P.S-Arrah Muffasil, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Ataul Haque, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 504, 379 and 325 of the Indian Penal Code registered in connection with Arrah Muffasil P.S. Case No. 140 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of admitted dispute and there is case and counter case between the parties. It is further submitted that the accusation of assault on the head of the informant's brother by the petitioner with iron rod and by two co-accused persons with *dunda* is not supported by the injury report which discloses only one injury, opinion in respect of which was kept reserved.



The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, District- Bhojpur in connection with Arrah Muffasil P.S. Case No. 140 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.



5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant's brother. In case any grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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