

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55957 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- JOKIHAT District- Araria

Azam Age – 45 years male Son of Kamruddin @ Tinai Resident of Village -
Barhua Matiyari, P.S.- Jokihat, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar, Advocate

For the Opposite Party : Mr. Anil Kumar Singh No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code registered in connection with Jokihat P.S. Case No. 37 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. Even earlier, the petitioner's brother had lodged the FIR in Jokihat P.S. Case No 403 of 2018 against the informant's side. Both the sides have sustained injuries. The opinion in respect of the injury sustained by the informant has been kept reserved. The petitioner claims clean antecedents.

4. Learned APP submits that there is specific accusation of assault by the petitioner who is said to have given spear blow in the abdomen of the informant.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within four 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 37 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with 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 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.

(iv) 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.

5. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant's side. If found otherwise, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

BT/-

U		T	
---	--	---	--

