

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25518 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- DIGHALBANK District- Kishanganj

Makbul Hussain @ Maqbool Hussain, S/o Late Aiyub Ali, Resident of
Village-Karelabari, P.S.-Dighalbank in the district of Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Dighalbank P.S. Case No.33 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 506, 354, 325, 307 and 379 of the Indian Penal Code.

It is alleged that the petitioner has attacked the



informant. The assailants, including the petitioner, are also alleged to have attacked those who came to save the informant in her *Angan*.

It is submitted by the petitioner's counsel that the informant is the wife of the petitioner's younger brother. The implication is based on pre-existing land dispute. Injuries have been sustained during scuffle between the family members over the land dispute. The petitioner is in custody since 04.05.2020 and has no criminal antecedents. The injuries sustained by the victim (informant) have been found to be simple in nature as is evident from the injury report. It is further submitted that the petitioner will appear on each and every date in the case and ensure full co-operation with the progress of the trial.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner is one of the main assailants.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Kishanganj, in



connection with Dighalbank P.S. Case No.33 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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