

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12906 of 2021**

Arising Out of PS. Case No.-174 Year-2020 Thana- BANMANKHI District- Purnia

MD. YASIN Son of Md. Siddique Resident of Village - Makhanaha Harpur
Madi, Ward No. 10, P.S.- Banmankhi, District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Informant	:	Mr. Surya Narayan Yadav, Advocate
For the Opposite Party/s	:	Mr.Damodar Pd. Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Banmankhi P.S. Case No. 174/2020 registered for the offences punishable under Section 448/341/323/324/379/354/307/34 of the Indian Penal Code.

As per prosecution story, while the informant was sitting in her house, she heard the sound of abuse and she saw that her paddy crop has been covered by forest waste, however on protest the same was removed. Again in the evening the accused persons all armed with lathi, farsa and sword entered in



the house of the informant. Md. Israil assaulted the informant's husband by means of farsa, Md. Yasin (the petitioner) caught the hair of the informant with an intention to kill her and pushed her on the ground, thereafter he started pressing her neck, anyhow she saved her life and prestige. On alarm being raised by the informant her Dewar Abdul Gani came but Md. Yasin hurled farsa over him resulting a cut injury over his head.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on account of land dispute. Learned counsel submits that both the parties have lodged case and counter case against each other and both the sides have indulged in free fight causing injury to each other and petitioner is in custody since 15.10.2020 having no criminal antecedent.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein admittedly both the parties have lodged case and counter case against each other and both the sides have indulged in free fight causing injury to each other and the petitioner's side has also received grievous injuries, considering the submission



that F.I.R. was lodged after a delay of four days and so far as the present petitioner is concerned, the allegation against him is that he had assaulted the informant and her Dewar Abdul Gani, however the injury report as discussed in the impugned order shows simple injuries only to the informant and her Dewar, the petitioner has remained in custody in connection with this case since 15.10.2020, investigation against him is complete but the trial is not likely to be concluded in near future and he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st, Purnea, in connection with Banmankhi P.S. Case No. 174/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

