

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14778 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- RAHIKA District- Madhubani

Abdul Barik @ Abdul Barique, aged about 70 years, Male, S/o Late Abdul Malik R/o village- Sugouna, P. S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal APP
For the informant	:	Ms. Aprajita, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Rahika PS Case No. 61 of 2020, instituted for the offence under Sections 147,148,149,307, 324,325, 326, 341, 342, 380, 504 and 506 of



the Indian Penal Code which due to apparent typographical error has been typed as Jaynagar P.S. Case No. 61 of 2020.

It is alleged that a group of persons have assaulted the informant and his brother.

The learned counsel for the petitioner submits that the instant case is counter blast of Rahika P.S. Case No. 60 of 2020 lodged against the informant of this case for outraging the modesty of a woman. In paragraph No. 8 of the bail petition, details of at least seven cases have been mentioned, wherein, the informant is an accused. It is further submitted that the injury report of the brother of the informant, which is annexed as Annexure-3 to the bail petition, is manufactured one and obtained by a private hospital having no sanctity whatsoever. The petitioner is stated to be 70 years old and submission is that he has been roped in the instant case along with other co-accused though he has no role in the occurrence. He is stated to be in custody since 13.11.2020.

One more false case has been lodged by the present informant, namely, Rahika P.S. Case No. 130 of 2020 against the petitioner, wherein also, the informant has relied upon a false and fabricated injury report of the private hospital, in which, the petitioner has already been granted bail.



The learned counsel for the informant and learned APP representing the State have opposed the prayer for bail. They have submitted that altogether 20 persons, including the petitioner have assaulted the informant and his brother. Subsequent to the instant case, they have again assaulted the informant and his brother, and in support of the said occurrence, the injury report (Annexure(s)- 1 and 2 to the counter affidavit) has been brought on record. It is further submitted that since the accused persons have committed repeated offence against the same prosecution party after lodging of the instant case, the petitioner should not be allowed the privilege of bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel having regard to the fact that he is aged person, 70 years old and there is no specific assault alleged against him, prayer for bail of the petitioner is allowed. 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 the learned **Judicial Magistrate-1st Class, Madhubani/ Incharge successor Court**, in connection with **Rahika PS Case No. 61 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.

(Madhuresh Prasad, J)

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