

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19493 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- AMAUR District- Purnia

HARISH @ MD HARISH, Son of Late Buddha Buddhu, Resident of Village
- Tajpur, P.S.- Amour, Distt.- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

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

2 24-07-2021 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 and Mr. Arun
Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Amour P.S. Case No. 126 of 2020 registered for
the offence punishable under Sections 341, 323, 324, 307, 379,
504 and 506 of the Indian Penal Code.

As per the prosecution story, the informant obtained
land through registered sale deed and he is in possession over the
same. In absence of informant, accused persons, namely, Md.
Harish (petitioner) and Ibrahim wanted to possess his aforesaid
land forcefully by constructing house on that land. The co-



villagers restrained them not to construct house over the same. When the son of the informant along with other were returning to their house from Amour Hat with domestic items by motorcycle and when they came near the house of Ibrahim then all the accused persons having deadly weapons came ahead of their vehicle. Thereafter, they pulled and brought down from the vehicle to them and accused persons Md. Harish (petitioner) and Masebul, Jahir assaulted them by lathi, danda and they had taken them in the house of Ibrahim and tied their hands by rope and confined in the said house. Thereafter, all the accused persons assaulted the son of the informant. It is alleged that the petitioner had taken out a sum of Rs. 2,200/- from the pocket of the son of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is a case and counter case between the parties with respect to the alleged occurrence. There is specific allegation of commission of overt act against co-accused Warish, Masebul and Ibrahim, so far as this petitioner is concerned, he is said to be involved in the alleged occurrence and has been named along with nine other co-accused.

Learned counsel submits that there is no specific allegation of assault against this petitioner though it is alleged that he had taken out a sum of Rs. 2,200/- from the pocket of the son of



the informant. The petitioner is in custody since 23.11.2020 having no criminal antecedent.

Mr. Arun Kumar Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there is a case and counter case between the parties with respect to the alleged occurrence, in the First Information Report there is specific allegation of commission of overt act against co-accused Warish, Masebul and Ibrahim, so far as this petitioner is concerned, he is said to be involved in the alleged occurrence and has been named along with nine other co-accused, there is no specific allegation of assault against this petitioner though it is alleged that he had taken out a sum of Rs. 2,200/- from the pocket of the son of the informant, the petitioner has otherwise no criminal antecedent, he is in custody since 23.11.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Amour P.S. Case No. 126 of 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)

vats/-

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

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'.

