

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22136 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- SUGAULI District- East Champaran

Irshad Alam, male, aged about 25 years, son of Wahid Hussan, r/o village-Bangara, P.S.Sugauli, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 307, 324 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, over a dispute relating to flow of drain water, it is stated that accused Nasir Ahmad @ Sohail, Tanvir Hassan, Miraz Alam and Zamil Akhtar came variously armed and assaulted the husband of the informant. It is further stated that the petitioner herein, Tuwalma Khatoon and Wahid Hassan threatened the informant of dire consequences if she reported the matter to the police station.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. Accepting the allegations for the F.I.R. for sake of argument, it is stated that no overt act has been alleged against the petitioner who is in custody since 16.5.2020. It is further submitted that even in the trial which has commenced, the informant was examined as prosecution witness no.2 and from her deposition which has been brought on record as Annexure-2 to the supplementary affidavit it would be evident that she has also not supported the prosecution case. The petitioner undertakes to cooperate in the trial.

The prayer for bail is opposed by learned A.P.P. for the State who submits that the trial in the case has commenced.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the contents of the allegation against the petitioner and the petitioner having remained in custody for over 1 year 4 months, this Court directs the petitioner to be enlarged on bail in connection with Sessions Trial No.68 of 2021 (arising out of Sugauli P.S. Case no.265 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- 21, East Champaran, Motihari.



It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of petitioner, learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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