

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 20516 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- PUPRI District-Sitamarhi

=====

Md. Tasdik, aged about 25 years, Gender-Male, son of Md. Modassir,
resident of Village-Gaddha, Police Station-Pupri, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Atul Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis
of motion slip filed by learned counsel for the petitioner on
28.07.2021, which was allowed.

3. Heard Mr. Pushpendra Kumar Singh, learned
counsel for the petitioner and Mr. Atul Chandra, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

4. The petitioner apprehends arrest in connection with



Pupri PS Case No. 198 of 2020 dated 27.07.2020, instituted under Sections 341/323/324/307/354/325/379/504/506/34 of the Indian Penal Code.

5. The allegation against the petitioner and seven others is of being armed with various weapons and of assault on the informant side and specifically against the petitioner is that he tried to inflict knife blow on the head of the injured Md. Pyare but he saved himself and finally the knife is said to have caused wound in his stomach.

6. Learned counsel for the petitioner submitted that as per the FIR itself, the dispute was between co-accused Md. Shaan and the informant and it is stated that Md. Shaan had taken four packets of biscuit without paying and had threatened that his grand-father was the Sarpanch and he along with others had assaulted the informant, but the petitioner has no concern with such dispute as he is not related to Md. Shaan. It was submitted that only because he is a co-villager and known to Md. Shaan, he has been made accused. Learned counsel submitted that besides having no criminal antecedent, the injury report of Md. Pyare clearly shows that there was only a lacerated wound on right parietal region and no other wound and the same was also caused by hard and blunt substance,



which completely negates the allegation that he had inflicted knife blow, firstly on the head and then causing injury in the stomach. It was submitted that for the same incident Pupri PS Case No. 199 of 2020 has been filed by co-accused Md. Chand Alam under Sections 341,323,354,504,379/34 of the Indian Penal Code against the informant side.

7. Learned APP submitted that the petitioner was also party to the attack on the informant side. However, in view of copy of the injury report of Md. Pyare who is said to have been assaulted by the petitioner by knife, he could not controvert that no injury on the stomach has been found and only lacerated wound on the head has been found and that too caused by hard blunt substance.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned counsel for the petitioner. It appears that there was fight for some dispute between the informant and co-accused Md. Shaan and the petitioner has also been named as being one of the persons who had come in support of Md. Shaan and assaulted the informant party and there being also a counter case and the specific and direct allegation of knife attack on Md. Pyare by the petitioner



on the head and thereafter causing injury in the stomach being totally not corroborated by the injury report of the said Md. Pyare, the Court is inclined to allow the prayer.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri, Sitamarhi in Pupri PS Case No. 198 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the



petitioner.

11. The petition stands disposed of in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

