

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20281 of 2021

Arising Out of PS. Case No.-416 Year-2020 Thana- BHAGWAN BAZAR District- Saran

1. Jainuddin Ali @ Jainuddin Ali Ahmad @ Gaimuddin Ali Ahmad @ Gainuddin Ali Ahmad Son of Abdul Jawar Resident of Village - Daulatganj Mirchaiya Tola, P.S.- Bhagwan Bazar, Dist.- Saran at Chapra
2. Mainuddin Son of Abdul Jawar Resident of Village - Daulatganj Mirchaiya Tola, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 31-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Bhagwan Bazar P.S. Case No. 416 of 2020, registered for the offence under Section 448, 341, 323, 354, 307, 504, 506/34 of the I.P.C. and later on, Section 302 of the I.P.C. was added.

As per the prosecution case, petitioner no. 1 is alleged to have assaulted the informant and also on the thigh of Khushbun Khatoon and petitioner no. 2 is alleged to have assaulted the son of informant (deceased) with *lathi*.

It is submitted on behalf of petitioners that no specific allegation has been alleged against these petitioners. Both



parties are neighbours. There is case & counter case and only with a view to save their skin from counter case, the present case has been lodged. It is further submitted that during course of investigation, in paragraph – 25 of the case diary, Md. Naim Ansari, who claims to be maternal uncle of the deceased, has stated that all the accused persons assaulted the deceased and other persons of informant side and no specific allegation has been attributed against these petitioners. The injury caused to informant and Khushbun Khatoon has been found to be simple in nature. Petitioner no. 1 is in custody since 12.09.2020, whereas, petitioner no. 2 is in custody since 01.12.2020.

Learned A.P.P. for the State has opposed the bail petition and submitted that there is specific allegation against these petitioners of causing assault on the deceased as well as other members of the informant side.

Considering the fact that there is specific allegation against petitioner no. 2 (Mainuddin) of assaulting the deceased with *lathi*, his prayer for bail stands rejected.

However, since **petitioner no. 1 (Jainuddin Ali)** is not the assailant of deceased, his prayer for bail is allowed and accordingly, he is directed to 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 learned **A.C.J.M. 1st,
Saran at Chapra** in connection with **Bhagwan Bazar P.S.
Case No. 416 of 2020**, on the following conditions:

- “(1) Petitioner no. 1 shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.
- (2) If the petitioner no. 1 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

anay

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

