

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21136 of 2021**

Arising Out of PS. Case No.-142 Year-2020 Thana- MADHEPUR District- Madhubani

1. MD. WASIR, Son of Late Usman, Resident of Village- Dargiya, P.S.- Madhepur, District- Madhubani.
2. Md. Bauwa @ Tauhid, Son of Shagir, Resident of Village- Dargiya, P.S.- Madhepur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-08-2021 Learned counsel for the petitioners 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 petitioners and Mr. Lakshmi Kant Sharma, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Madhepur P.S. Case No. 142 of 2020 registered for the offence punishable under Section 341, 323, 324, 307, 354(B), 448, 379, 504, 506, 34 of the Indian Penal Code. They are in custody since 18.11.2020.

Learned counsel for the petitioners submits that the allegation in the First Information Report is that of causing

assault on the prosecution party. Altogether nine persons are named in the F.I.R., however, there is no specific allegation against the petitioner no. 1. So far as the petitioner no. 2 is concerned, it is alleged that he had assaulted the uncle of the informant who has suffered two injuries on his head, however, the injuries are said to be simple in nature. In this connection, learned counsel refers the injury report which has been enclosed with the petition.

It is pointed out that the allegation of causing assault on the uncle of the informant is there against the petitioner no. 2 as well as co-accused Md. Shagir. There is no allegation of repetition of blow. Both the petitioners have remained in custody for about nine months and prior to the present case they had no criminal antecedent.

Mr. Lakshmi Kant Sharma, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners and it is submitted that there is an allegation against petitioner no. 2.

Considering the facts and circumstances of the case, there being no allegation of commission of overt act against the petitioner no. 1 and the injury allegedly caused by the petitioner no. 2 is said to be simple in nature and both the petitioners are in custody for almost nine months, in the nature of the dispute

between the parties and the kind of materials placed before this Court, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 142 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for

cancellation of bail bond of the petitioners. 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/-

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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'.