

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22590 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- RAJEPUR District- East Champaran

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USMAN MIAN @ MD. USMAN, Son of Late Saharddin Mian, Resident of
Village- Mathia, P.S.- Rajepur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-08-2021 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 Ms. Rashmi Jha, learned counsel for the petitioner and Ms. Pronoti Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rajepur P.S. Case No. 48 of 2020 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 354B, 379, 504 and 506 of the Indian Penal Code. He is in custody since 22.01.2021.

Learned counsel for the petitioner submits that the petitioner and the prosecution party are co-villagers. Prior to the lodgment of the present case, co-accused Gul Mohammad had

lodged one F.I.R. being Rajepur P.S. Case No. 46 of 2020. The present case is a counter case to the case lodged by the co-accused.

Learned counsel submits that as per the First Information Report, altogether seven named accused had surrounded the house of the informant and had assaulted the husband of the informant. So far as this petitioner is concerned, it is alleged that he had instigated the co-accused to cause assault.

Learned counsel submits that the petitioner is at best the order giver in this case and has remained in custody for about seven months. Prior to the present case he had no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the facts and circumstances of the case, in the nature of the dispute between the parties and that the allegation against the petitioner is that of an order giver, this Court directs release of the petitioner 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Rajepur P.S. Case No. 48 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.