

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.192 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- ARARIA District- Araria

ASHFAQUE @ ASFAK S/o Late Saiyad R/o village- Gaiyari, P.S. and District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate
For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 26-03-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha Devi, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Araria P.S. Case No. 16 of 2020 registered for the offences punishable under Sections 341, 323, 354, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is said to have involved in giving electric shock to the informant and her brother in a dispute which seems to have arisen on demand of allotment of the share among the family and maintenance to the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present



case. It is submitted that the only allegation against the petitioner is to abuse and tried to give electric shock. The petitioner is in custody since 07.01.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that the petitioner is the father of the informant, allegation against him is that he had assaulted the informant and her brother, however, the injury report shows simple injury on the body of the informant, the injury on the body of the Asim has been reported to be grievous in nature but the petitioner is in jail since 07.01.2020, investigation against him is complete, taking note of the nature of the dispute in which the present alleged occurrence is said to have taken place, let the petitioner above named be released 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 C.J.M., Araria in connection with Araria P.S. Case No. 16 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.

The application stands allowed.

(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'.

