

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37268 of 2020

Arising Out of PS. Case No.-101 Year-2019 Thana- MADHEPUR District- Madhubani

Gulsher, son of Late Jiyaul @ Jiyaul Rahman, resident of Village - Pachahi,
P.S. - Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Madhepur P.S. Case No.101 of 2019 (G.R. No.1091 of 2019) for
the offence punishable under Sections 341, 323, 379, 354B, 307,
324, 504, 506/34 of the Indian Penal Code.

The prosecution case is that based on a dispute
regarding drinking of water from a hand pump, the petitioner
has been exhorted to assault the informant on his head by *Farsa*.

It is submitted by the petitioner's counsel that the
scuffle took place at the spur of the moment. The injury report
does not corroborate the allegation of assault by *Farsa*, as the
injury on the informant's head has been opined to be caused by
a hard and blunt substance. The petitioner's wife has also



sustained similar injury on her head, which is evident from Annexure 4, i.e. her injury report. The petitioner has no criminal antecedents and has now been in custody since 18.07.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned A.C.J.M.-I, Jhanjharpur, District-Madhubani, in connection with Madhepur P.S. Case No.101 of 2019 (G.R. No.1091 of 2019), subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

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

