

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2662 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- JOKIHAT District- Araria

MD SAUKAT S/o Md. Hakeem R/o village- Dhapi Ward No.- 08, P.S.-
Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-06-2021 Heard Mr. Mukesh Kumar Rana, learned counsel for
the petitioner and Mr. Chaubey Jawahar, Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Jokihat PS Case No. 150/2020 registered for the offence
punishable under Section 302/34 of the IPC.

The allegation, as per First Information Report, is that
petitioner assaulted son of the informant on his head and private
parts of the body by means of iron rod.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to land
dispute and there is case and counter case between the parties
inasmuch as from the side of the petitioner Jokihat PS Case No.
151/2020 has been lodged under Sections 341, 323, 427, 447,



452, 504, 379, 506/34 of the IPC. Learned counsel next submits that there is a delay in lodging of the FIR inasmuch as the occurrence has, allegedly, taken place on 09.05.2020 but the FIR has been lodged after the delay of two days i.e., on 11.05.2020. Learned counsel further submits that postmortem report also does not corroborate the allegation against the petitioner inasmuch as there is no injury on the head and the private parts of the body of the deceased and the doctor has found injury on the right side of abdominal wall, left thigh and right knee.

Learned counsel next submits that petitioner is in custody for about a year, since 12.06.2020 and the charge-sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that there is a case and counter case between the parties due to land dispute, the charge-sheet has been submitted, there is no likelihood that petitioner will abscond or tamper with the evidences, if he is released on bail and the petitioner is in custody since 12.06.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, MD SAUKAT 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 Chief Judicial Magistrate, Araria in connection with Jokihat PS Case No. 150/2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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