

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39703 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- JANKINAGAR District- Purnia

Md. Kamal, Male, aged about 45 years, Son of Late Anwar @ Akbar,
Resident of Village - Ramjani, Ward No. 6, P.S.- Jankinagar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussain, Advocate

For the State : Mr.Damodar Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jankinagar P.S. Case No. 87 of 2020 registered for the offences punishable under Sections 143, 341, 324, 307, 354, 379, 427, 504, 506 of the Indian Penal Code.

The prosecution case in nut shell is that one Md. Mohsin son of Md.Sakur resiident of village- Ramjani Ward No.07, P.S. Janki Nagar, Dsitric- Purnea lodged a case against the petitioner and others on 03.07.2020 to the effect that on 02.07.2020 at about 2 P.M. petitioner and accused persons came at the house of informant and brutally assaulted the informant and his family members and due to assault two family members of the informant sustained grievous injury.



It is further alleged that after assault injured went to Banmankhi Hospital but seeing the seriousness of injury, doctor referred the injured person to Siliguri for better treatment because head of the injured was fractured by assault.

It is further alleged that altogether fifteen accused persons arrived at the house of the informant and all of them assembled and assaulted by lathi- danda, bhala, sword and country made gun and during the period of assault, all accused persons entered in the house of the informant and assaulted “Bhabhi” of the informant Shahina Khatoon and broken the clothes of Shahina Khatoon and when Shahina Khatoon cried then husband of Shahina Khatoon Md. Shamim came and in the meantime accused Md. Dilshad attacked by sword upon the head of Md. Shamim, then Md. Shamim fell down on the ground thereafter accused Md. Dilshad, Md. Kamal, Md. Salauddin and Md. Jaibun surrounded Md. Shamim and assaulted by iron rod.

It is further alleged that due to assault, he sustained four cut injury upon the head of Md. Shamim and hand was fractured by assault and during the period of assault, all the accused persons damaged the house of the informant and looted away two cow, four she goat and silver chain weighing about 12



bhar from the neck of Shahina Khatoon worth Rs.12,000/- cost of cow of Rs.45,000/- and cost of she goat was Rs.10,000/-, which was looted away by accused persons.

It is further alleged that all the accused persons entered into the house of the informant and they wants to kill the informant and his family members and lastly accused Md. Babul Khan Rs.30,000/- from the box and some articles of Rs.2,000/-.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case. He further submits that there is case and counter case. Petitioner has filed a title suit vide Title Suit No.01 of 2020 against the informant of this case and his family members. Title Suit is pending before the learned Munsif Court, Banmankhi, Purnea. Petitioner is in jail custody since 21.08.2020. The opinion was reserved by the doctor.

Learned A.P.P. for the State opposed the bail petition.

Considering this fact that there is admitted land dispute between the parties and the petitioner is in jail custody since 21.08.2020, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Purnea in connection



with Jankinagar P.S. Case No. 87 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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