

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4337 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

MD SAIDUR RAHMAN SON OF LATE S.K. ALIF RESIDENT OF
VILLAGE - KHODWA, P.S. - MUFASSIL, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 24.09.2020 in connection with Muffasil P.S. Case No. 134/2020 registered for the offences punishable under Sections 147/148/341/323/307/324/379 of the Indian Penal Code.

As per the prosecution case, this petitioner along with other co-accused named in the FIR assaulted the parents of the informant by respective arms due to which they sustained injuries.

It is submitted on behalf of the petitioner that admittedly there is land dispute between the parties for which there is case and counter case between them. It is further submitted that there is general and omnibus allegation of assault



against the petitioner. It is next submitted there is no allegation of repeated blow by this petitioner and the injuries alleged to have been caused by this petitioner have been found to be simple in nature. Chargesheet has already been submitted in this case. Petitioner is in custody since 24.09.2020.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that injuries caused by this petitioner have been found to be dangerous to life and one of the said injuries is grievous in nature.

Considering the nature of allegation and that there was free fight between the parties due to land dispute, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned J.M. 1st Class, Katihar, in connection with Muffasil P.S. Case No. 134/2020, subject to following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates



without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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