

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5852 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- SITAMARHI District- Sitamarhi

MD JAHANGIR S/o Ibrahim @ Ibrahim Rain R/o village- Mehsaul Purbi,
Ward No. 6, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : M/s. Madhubala Verma, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

2 16-04-2021 The defect(s) as pointed out by the Office be removed by

the learned counsel for the petitioner within two months after

the High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 341, 323, 324, 307, 504, 302/34 of
the Indian Penal Code.

According to prosecution case, the informant stated that
on 09.07.2020 at 2:00 P.M. he was returning to his home on his
motorcycle and when he reached near Mehsaul bridge, on the
order of Md. Ibrahim, Md. Naushad gave farsa blow on his head
due to which he sustained head injury. Md. Saddam gave spear
blow on his head. Md. Naushad gave rod blow on the head of



son of the informant. Petitioner is said to have assaulted informant's son with rod. The injured persons were taken to hospital but during course of treatment, injured Md. Chand died. The reason behind the alleged occurrence is altercation and exchange of hot talk between the parties.

It has been submitted on behalf of the petitioner that there is inordinate delay in lodging the FIR. There is general and omnibus allegation of assault against all the accused persons including the petitioner. The allegation attributed against the petitioner is not corroborated by the postmortem report. Petitioner was not present there on the alleged date of occurrence but due to village politics his name has been dragged by the informant only with a view to harass the entire family members of the petitioner. Petitioner has no criminal antecedent and is in judicial custody since 30.07.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Sitamarhi P.S. Case No. 349 of 2020, with following conditions:-

(1) Bailors should be local having sufficient immovable



property within the jurisdiction of the court concerned.

(2) 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 and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

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