

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7199 of 2021**

Arising Out of PS. Case No.-435 Year-2019 Thana- JOKIHAT District- Araria

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SAKIB S/O AZIM R/O VILLAGE BAGTHARA, WARD NO. 07, P.S.
JOKIHAT, DISTRICT ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.
Mr.Bhaskar Shankar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 04-08-2021 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jokihat P.S. Case No.435/2019 registered for the offences punishable under Sections 307, 341, 323 324, 354(B), 381, 279, 337, 338, 427, 504 and 506/34 of the Indian Penal Code.

The prosecution story in brief is that on 26.12.2019 while younger brother of the informant along with his mother were going Jokihat on motorcycle his villager Naushad dashed with his motorcycle by rashly and negligently as a result of which brother and mother of the informant fell down from the motorcycle which was objected by the brother of the informant

but Naushad quarreled with him and threatened to kill him. It is further alleged that on the same day at about 4.00 pm Azim, Azam, Alim, Sakib (petitioner), Shahid, Jumman, Raees, Nausan, Feku, Zahid and Musahid armed with lathi danda and arms came and started abusing and assaulted the informant and his family members. It is further alleged that Azim ordered for loot and all the accused entered into the house of Afroz and looted cash of Rs.50,000/- and silver and gold ornaments.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is a case and counter case between the parties and there is no specific allegation of assault against the petitioner. It is submitted that the petitioner is in custody in connection with this case since 21.07.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there is a case and counter case between the parties, both sides seem to have assaulted each other, the petitioner's side has also suffered injury as appearing from Annexure-4 showing lacerated cut

wound on the body of one of the co-accused Naushad, so far as this petitioner is concerned, there is an allegation that he had assaulted the brother of the informant by a knife on his stomach but learned APP for the State has confirmed after going through the case diary that the said injury is simple in nature, the petitioner has remained in custody in connection with this case since 21.07.2020, investigation against him is complete and he has otherwise no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Jokihat P.S. Case No.435/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.