

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3784 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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1. MASTER SAYEEDUL HAQUE S/o Late Jiharul Haque Resident of
Village- Balua Tola Guabari, P.S.- Kundwachainpur, District- East
Champaran.

2. Abdul Rashid @ Roj Mohammad S/o Late Majhar Alam R/o Village-
Balua Tola Guabari, P.S.- Kundwachainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Jainarayan Thakur, APP

For the Informant : Mr. Chandra Mohan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for
grant of regular bail in a case registered under sections 307,
147, 148, 149, 341, 323, 324, 354A, 379, 427, 504 and 506 of
the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated that the 31
named accused persons came variously armed, started to abuse
and assault the informant. It is further stated that the petitioner
no. 2 struck the brother of the informant with an iron rod
leading to injuries on his head. Petitioner no. 1 fired but which
did not hit any person.

It is submitted by learned counsel for the petitioners



that the petitioners have been falsely implicated in the case. There is case and counter case between the parties, the case lodged by the petitioners side being earlier. In the case lodged by the petitioners side, the cousin brother of the petitioner no. 1 was killed and wherein the informant has been made an accused. So far as the allegation of assault by petitioner no. 2 on Rauful Azam is concerned, it is submitted that the injury on him has been found to be simple in nature. The petitioners are in custody since 5.10.2021. It is further submitted by learned counsel for the petitioners that a supplementary affidavit has been filed stating therein about the wife of the petitioner no. 1 suffering from cancer.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct allegation against them. Even the urgency mentioned for taking up the case out of turn is with respect to petitioner no. 1 and not petitioner no. 2. The petitioner no. 2 is alleged to have assaulted the brother of the informant on his head and the allegations are supported from the injury report.

Having heard learned counsel for the parties and



taking into consideration the facts of the case, the allegations in the FIR, the injury on the brother of the informant having been found to be simple in nature and charge sheet having been submitted in the case, the Court directs the above two petitioners to be enlarged on bail in connection with Kundwachainpur P.S. Case no. 106 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-V, Sikrahana at Dhaka, East Champaran.

(Partha Sarthy, J)

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