

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9628 of 2022

Arising Out of PS. Case No.-63 Year-2020 Thana- KANHauli District- Sitamarhi

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SHEKH ASAGAR @ ASAGAR ALI Son of Shekh Halim Resident of
Village- Muhchatti, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kanhauli P.S. Case No. 63 of 2020 registered for the offences
punishable under Sections 341, 323, 324, 307, 354, 504 and 34
of the Indian Penal Code.

As per prosecution case, accusation against the
petitioner is that he assaulted upon the informant on neck by
Farsa as a result of which informant sustained injury on head
and bleeding started.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.12.2021. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that as per F.I.R. there is no allegation of giving repeated blow on the head of informant. Learned counsel further submits through supplementary affidavit that petitioner has also sustained serious injury for the alleged occurrence. There is a case and counter case between both the parties and in that juncture exaggeration of fact cannot be ignored and the dispute begins due to playing of cricket of the children.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner as there is specific allegation of assault against the petitioner on the head of informant.

Considering the facts and circumstances of the case as well as period of custody, there is no allegation of repeated blow on the head of the informant as submitted, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, there is a case and counter case between both the parties and also taking into consideration the material available on record, let the petitioner above named be released



on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 63 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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