

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14912 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- BIRPUR District- Supaul

MD. ASLAM Son of Md. Ismile Miyan Resident of Village - Birpur, Ward no.5, Kumar Chowk, P.s.- Birpur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 307, 341, 323 and 324 of the Indian Penal Code.

Allegedly, some utensils were stolen from the informant's house and during course of search, informant got information that stolen articles were in the house of the petitioner and when the informant went to the petitioner's house for an enquiry about the said stolen utensils then petitioner took a knife and caused knife injury at the stomach of the informant.

The main submissions advanced by the learned counsel



for the petitioner are that petitioner has been languishing in jail since 10.5.2021 and investigation has been completed, he has got no criminal antecedent and all injuries found on the person of the informant and the same has been opined to be simple in nature.

Learned APP has opposed the prayer for bail and submitted that against the petitioner there is serious allegation, so case diary is required.

Heard both sides, perused the FIR and seizure list attached to the FIR and injury report of the informant submitted as annexure 3 on behalf of the petitioner. Though the alleged stolen utensils were recovered from the house of the petitioner and he is also alleged to have inflicted knife blow on the vital part of the informant when he went to house to inquire about stolen utensils and said allegation appears to be serious but the petitioner has been languishing in jail for the last about one year having clean antecedent as mentioned in his petition and only one injury has been found on the person of the informant which was in size $\frac{1}{2}$ " x $\frac{1}{4}$ " x $\frac{1}{6}$ " and the same was opined to be simple in nature by the doctor concerned. Accordingly, in light of these facts, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VII, Supaul in Sessions trial no.164/2021 arising out of Birpur P.S Case No. 148 of 2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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