

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21289 of 2022

Arising Out of PS. Case No.-188 Year-2020 Thana- BISFI District- Madhubani

MD. KASIM @ MITHU S/O ABDUL KAIYM R/o village- Khairi Banka,
P.S.- Bisfi Aunsi (O.P.), District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bisfi
(Aunsi O.P.) P.S. Case No. 188 of 2020 registered for the
offence under Sections 307, 448, 323, 324, 354, 379, 506 and 34
of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.01.2022.

The allegation against the petitioner is to outrage
modesty and also causing assault with intention to cause death
to the informant and others by using weapons like iron rod,



farsa, etc. along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that allegation against this petitioner is very much general and omnibus rather same is specific against co-accused, namely, Nasir and Sabir, who have already been granted bail. It is also submitted that occurrence is nothing but free fight between the parties, where both of the parties have received injuries, and as such, intention to cause death cannot be gathered. It is also submitted that land dispute between the parties, which is the calyx of the present case, has now been compromised. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as allegation with regard to assault is very much general and omnibus against this petitioner in the backdrop of land dispute, which has been compromised coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Bisfi (Aunsi O.P.) P.S. Case No. 188 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Benipatti, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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