

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21879 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- SANGRAMPUR District- East
Champaran

Abdul Hasan Ansari @ Abdul Hasan Son Of Mustakim Ansari R/O Village-
Indragachhi, P.S.- Sangrampur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sangrampur P.S. Case No. 221 of 2021 lodged under Sections
341, 323, 325, 307, 504, 506/34 of the Indian Penal Code.

The prosecution case is that, in the evening hours on
23.10.2021 the petitioner armed with Lathi, iron-rod and
chopper reached the outhouse (Bathan) of the informant and
given a farsa blow on the head of the informant's mother due to
which she fell down, there is an allegation of second farsa blow
also. The allegation upon the present petitioner is also to give a
Lathi blow on the cousin of the informant. The cause of dispute
is due to dust of paddy threshing machine.

Learned counsel for the petitioner submits that for the
same date and time of occurrence there is a case and counter

case from both sides. Present case is Sangrampur P.S. Case No. 221 of 2021 whereas from petitioner side Sangrampur P.S. Case No. 222 of 2021 was lodged almost under the same sections, injury took place on both the sides, both the F.I.R's are annexed as Annexure No.1 & 2. Learned counsel for the petitioner further submits that investigation has already been completed charge sheet has been filed under Section 308 of I.P.C. but not under Section 307 of I.P.C. He further submits that other sections are bailable and only Section 308 of I.P.C. is non-bailable in which punishment is described from 3 years to 7 years. He further submits that he has annexed the injury report at Annexure no.3 of this petition, from the injury report it transpires that there is only one injury on the person of the informant whereas in the allegation made in the FIR about two injuries alleged to have been sustained by informant's mother. So there is contradiction in allegation made in FIR and injury report. He also submits that the said injury is lacerated in nature whereas he was alleged to be assaulted by sharp weapon i.e. farsa. He further submits that the petitioner is in custody since 14.01.2022, charge sheet has already been filed and he has having clean antecedent. He also submits that petitioner shall support in the trial and shall appear before the court on each and

every date.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 221 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner is directed to appear on each and every date before the court below, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--