

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22126 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

1. MD. AFRIDI KHAN @ SANJU Son of Md. Abid Khan Resident of Village - Ward no.35, Babu Ganj, (Bada Pather), P.s.- Dehri, Distt.- Rohtas.
2. Yaseen Quraishi @ Foto Son of Islam Quraishi Resident of Village - Ward no.35, Babu Ganj, (Bada Pather), P.s.- Dehri, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22451 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

ASIF ALAM S/o Munna R/o Ward No.35, Babu Ganj, (Bada Pather), P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22126 of 2022)

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Dr. Indihar Kumari

(In CRIMINAL MISCELLANEOUS No. 22451 of 2022)

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Both the petitions have been heard together and are being disposed of by this common order as they arise out of the same



police station case number.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Sections 307, 324, 120B and other allied sections of the Indian Penal Code.

As per allegation, petitioners who happen to be friends of the informant reached at Tarachandi temple and while sitting petitioners tightly caught the informant and made the allegation that he had stolen their mobile phone and when the said allegation was not accepted by the informant thereafter petitioner Md. Afridi Khan caused sharp cut injury on the neck and other parts of body of the informant by using blade, in the meantime, police arrived there and the informant was rushed to the hospital.

The main submissions advanced by the learned counsel for the petitioners are that the blade which is alleged to have been used in inflicting sharp cut injuries to the informant has neither been recovered nor the same has been recovered from possession of the petitioners and injuries found on the body of the informant has been opined very simple and superficial in nature and the petitioners have got clean antecedent.

Learned APP has opposed the prayer for bail.

In view of above submissions and considering the fact that nature of the injuries found on the informant have been opined simple in nature and all cut injuries have been found to be superficial



by the doctor concerned, the petitioners and informant are stated to be friends and they are young persons having clean antecedent accordingly, in light of these facts, in my view, a lenient approach may be taken in respect of the petitioners' prayer. Let the petitioners above named 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 Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram (M) P.S Case No. 363 of 2021 on the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners.

(Shailendra Singh, J)

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