

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31546 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- KHUTAUNA District- Madhubani

Md. Alauddin, Male, aged about 30 years, Son of Md. Budur Miyan @ Faruque, Resident of Village- Parsahi, P.S.- Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 04-01-2022 The applicant/accused in Crime No. 03 of 2021 registered with Khutauna Police Station for the offences punishable under Sections 307, 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard both sides.

According to the prosecution case, injured Md. Wasir had seen scuffle between his daughter-in-law Sagira Khatoon and the present applicant at about 6:30 P.M. on 08.01.2021. He intervened. There upon the present applicant had assaulted first informant Md. Wasir by giving a blow of iron pipe on his head.

Perusal of the injury certificate shows that Md. Wasir had suffered incised wound on the head. It will be for the prosecution to explain how blow of an iron pipe can cause



incised wound on the scalp. However, as investigation of the crime in question is over and the case is that of a single blow by an iron pipe, further pre-trial detention of the applicant is not warranted. The offence has not travelled beyond one punishable under Section 307 of the Indian Penal Code, even according to the prosecution case, therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 03 of 2021 registered with Khutauna Police Station for the offence punishable under Sections 307, 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Ten Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant should not repeat commission of similar offence in future and if he is found to be involved in



commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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