

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28709 of 2022

Arising Out of PS. Case No.-224 Year-2019 Thana- BHARGAMA District- Araria

Abid @ Md. Abid Hussain Son Of Nabi R/O- Village- Bishariya, P.S.-
Bhargama, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bhargama P.S.Case No. 224 of 2019 for
the offences punishable under Sections 147, 148, 149, 341,
342, 324, 354(B), 307, 447, 448, 504 of the Indian Penal
Code and later on section 302 was added.

It is alleged that while the informant along with
his father Md. Nazir was going to see Karbala fair, in the
meantime, altogether 24 FIR named and 500 unknown
accused persons surrounded them. It is further alleged that



on the dictate of Md. Yasin, co-accused Md. Mangan gave arrow blow to his father as a result of which he sustained grievous injury and he fell down, thereafter Md. Abid also caused an arrow blow on the leg of Masudan and all the co-accused persons entered the house and assaulted the male and female persons.

Learned counsel for the petitioner submits that the allegation has been levelled against 24 named accused and 500 unknown persons. So far as the specific allegation of causing arrow blow is concerned, the same has been levelled against Md. Mangan. However the petitioner is only a members of unlawful assembly and as such the allegation of causing injury does not find any support from any materials as no inquiry report is available on the record. He next submits that the petitioner having fair antecedent is in custody since 15.03.2022. He also submits that other FIR named co-accused persons have already been granted bail by different co-ordinate Bench of this Court, the copy of which has been brought on record annexed as Annexure-2 series to the application.

On the other hand, learned counsel for the State



opposed the bail application of the petitioner.

Regard being had to the submissions that there is no injury report available on record to support the prosecution case that the petitioner caused arrow blow to the injured Masudan, apart from the petitioner having fair antecedent and moreover, the investigation of the crime is already completed much earlier, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Araria in connection with Bhargama P.S. Case No. 224 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive



dates without any cogent reason, his bail bonds will liable
to be cancelled.

(Harish Kumar, J)

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