

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39178 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- HUSSAINGANJ District- Siwan

MUNNA @ MUNNA AHMAD HASMI @ MUNNA HASMI Son of Late
Jaan Mohammad Hasmi Resident of Village - Hasan Pura, P.S.- M. H. Nagar,
District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard the parties through video conferencing.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 31.03.2021,
seeks bail in connection with Hussainganj (M.H. Nagar) P.S.
Case No. 79 of 2020, registered for the offence punishable
under Section 341, 323, 324, 307, 379, 504 and 506/34 of the
Indian Penal Code.

The prosecution case, in brief, is that petitioner along
with other accused, by means of lethal weapons, assaulted Islam
Mian, Faiyaz Hassan and Md. Manzoor.

Learned counsel appearing on behalf of the petitioner



submits that there is case and counter case between the parties and in course of the said quarrel, the petitioner himself sustained injury and he has also lodged F.I.R. bearing Hussainganj (M.H Nagar) P.S. Case No. 80 of 2020 on 15.04.2020 on the same day. He further submits that there is no direct allegation against the petitioner for assaulting any of the victim. From the injury report, it appears that there is grievous injury on the head of Islam Mian, caused by hard and blunt substance. He further submits that similarly situated co-accused have already been granted privilege of bail on 23.03.2021 passed in Criminal Miscellaneous No. 31091 of 2020.

Learned A.P.P. for the State has opposed the prayer for bail.

Having heard the rival submissions, perused the F.I.R. and the impugned order, it appears that there is general and omnibus allegation levelled against the petitioner, there is no allegation of tampering the evidence or influencing the witnesses, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case



No. 79 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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