

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41219 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- POTHIIYA District- Kishanganj

Md. Tajimul Alias Tajimul Haque S/O Ahmed Ali R/O Village-Tappu, P.S-
Pothia, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ram Prawesh Kumar learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Pothia P.S. Case No. 110 of 2020 for the offences punishable under Sections 341, 323, 307, 504, 506 and 379/34 of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant went to the house of the accused persons in order to get his money back, then this petitioner along with other named accused persons started abusing and later on the petitioner



assaulted him by means of bamboo stick, due to which he sustained injuries over his head. It is also alleged that this petitioner took away cash of Rs.70,000/- from the pocket of the informant.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that from perusal of the F.I.R. it appears that the occurrence took place due to spur of moment and there was free fight between the parties, which resulted into causing injury to the informant. It is further submitted the injuries, which is said to have been sustained to the informant, are found to be simple in nature. So far one injury is concerned, of which opinion has been reserved, that has later on also found to be simple in nature, as no fracture was found in the CT Scan. It is further submitted that during the pendency of this application, the matter has been settled between the parties and they do not want to proceed in the matter any further and in support of that a petition has been brought on record by way of Annexure-2 to this petition. It is lastly submitted that even as per the allegation



this petitioner had assaulted the informant with bamboo stick and there was no intention to kill and as such this is not a case under Section 307 of the Indian Penal Code. It is also submitted that the petitioner has no criminal antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against the petitioner of assaulting the informant and snatching the money and as such he does not deserve the privilege of anticipatory bail.

Having considered the submissions made on behalf of the parties and taking into consideration the settlement arrived at between the parties and the injury report, which shows the nature of injuries as simple in nature, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No. 110 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

- (i) One of the bailors shall be the close relatives of the



petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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