

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32997 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- BARHARIA District- Siwan

Arshad Hussain @ Bijli Son of Late Ajhar Hussain Resident of Village - Tola
Hardia, P.S.- Baraharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Baraharia P.S. Case No.08 of 2022 registered for the offences
under Sections 147, 447, 341, 323, 324, 325, 307, 354, 379 and
506 of the Indian Penal Code.

As per the allegation, informant along with his father
and elder brother was sitting outside their house's doorpost
meanwhile the accused persons attacked at them with iron rod,
Lathi and sword. Thereafter the co-accused Raj Ahmad @
Manauwar assaulted the informant's father causing an injury on
his head by means of sword(Talwar) due to which the
informant's father fell unconscious and the present petitioner



Arshad Hussain grabbed the informant from behind and the co-accused assaulted the informant by means of hockey and while defending himself he sustained injury at his hand (left). Thereafter co-accused persons Jakir and Afroz pushed the informant's brother to the ground and tried to strangle him and upon hearing the screams of the informant's wife his sister-in-law and mother came to safeguard them then co-accused Sonu tried to outrage the modesty of informant's wife and co-accused Afroz snatched a chain around her neck and after seeing the police the accused persons fled away.

The main submissions advanced by the learned counsel Mr. Ranjeet Kumar Pandey on behalf of the petitioner are that the petitioner is only alleged to have caught the informant from behind but the informant was assaulted by other co-accused Tahir Hussain, besides this, there is no any allegation against the petitioner, there is a land dispute between both the parties, and a Baraharia P.S. Case No. 14 of 2022 has been lodged by the petitioner's side against the informant and others as the informant and his companions tried to grab the land which belong to the accused persons. Further submissions are that a piece of land was allotted to Noorsaba by her father, the informant being cousin of Noorsaba tried to grab the said



land because of which a false case has been filed and the entire family of the informant has been made accused in the present case and the petitioner has criminal antecedent of one case in which he is on bail and he has been languishing in jail since 04.03.2022.

Learned APP Mr. Md. Ataur Rahman appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case record. In the instant matter several persons have been made accused and as per the FIR, the main allegation appears against Raj Ahmad @ Manauwar and petitioner is alleged to have caught hold the informant from behind and then co-accused allegedly inflicted a hockey blow at the informant owing to that attack the informant sustained injury at his hand. The informant's injury were found at non-vital parts of the body which have been opined to be simple in nature as mentioned in the order of learned Court below and in other part of the FIR the petitioner's special role in the alleged occurrence has not been revealed and in between both the parties there is case and counter case and the petitioner has been languishing in jail since 04.03.2022. Considering these facts as well as above submissions, in the opinion of this Court a lenient approach can



be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Baraharia P.S. Case No.08 of 2022, on the following conditions:-

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

(2) If the petitioner tampers 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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