

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34019 of 2022**

Arising Out of PS. Case No.-36 Year-2021 Thana- SAKURABAD District- Jehanabad

Allauddin Mian @ Gahnu Miya Son Of Late Chamru Miya Resident of
village- Uchita, Police Station- Shakurabad District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 14-10-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in the virtual Court proceeding.

The petitioner seeks bail in a case registered for the offence under Sections 341,323,308 of the Indian Penal Code.

The prosecution case, in brief, is that while the informant was irrigating his field, in the meantime, the petitioner has assaulted the informant by means of spade as a result of which the informant sustained head injury and when the informant's Gotini came there to rescue, she was also assaulted.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner has also lodged an FIR against the informant and there is admitted land dispute between the parties, due to land dispute, the informant implicated the petitioner in the false and fabricated case with malafide intention to harass the petitioner and the police, after investigation, submitted chargesheet against the petitioner under Sections 341,323,307,504 of the Indian Penal Code and the petitioner is in custody since 23.04.2022.

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

Considering the fact and circumstances of the case, let the petitioner, above named, 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 learned court below where the case is pending in connection with Shakurabad P.S.Case No.36 of 2021 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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