

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44701 of 2021

Arising Out of PS. Case No.-87 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

1. Tasauwar Ali S/O Akhtar Ali R/O Village- Shio (Bhatpurwan), P.S.- Chand, District- Kaimur At Bhabua
2. Mehtab Ali @ Netab Ali S/O Akhtar Ali R/O Village- Shio (Bhatpurwan), P.S.- Chand, District- Kaimur At Bhabua
3. Raja Ali @ Imran Ali S/O Tasauwar Ali R/O Village- Shio (Bhatpurwan), P.S.- Chand, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-06-2022 Heard Mr. Pawan Kumar Singh, learned counsel for the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Chand P. S. Case No. 87 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 506 read with Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on



10.06.2021 while the informant was going to Majar Baba all the accused persons arrived there and assaulted him by means of Iron Rod and *lathi* due to which he sustained serious injury.

At the outset, learned counsel for the petitioners 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.

Learned counsel appearing on behalf of the petitioners submits that though there is specific allegation against all the three petitioners, who assaulted the informant by means of Iron Rod and *lathi* due to which the informant received three injuries and two of them have found to be grievous but the same have been received because of scuffle which has taken place between the parties and due to which the informant fell down on a hard substance and received injuries. It is further submitted that petitioner no. 3 is disabled. A supplementary affidavit has been filed before this Court bringing on record the fact that both the parties are neighbours and they have settled their disputes and do not want to proceed any further in this matter and in support of his contention they have brought on record an application as contained in annexure 3, whereby, a permission has sought from the court to compromise the matter. It is lastly submitted that



these petitioners have no criminal antecedent and they are ready to give undertaking that they will not indulge any such type of occurrences in future.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that there is specific allegation against all the three petitioners, who assaulted the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that the reason of the present occurrence was a trivial matter which has later on settled between the parties and both the parties do not want to proceed this matter any further, apart from the fair antecedent of the petitioners, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate V, Kaimur at Bhabua in connection with Chand P. S. Case No. 87 of 2021, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of



the petitioners.

- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They 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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