

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38700 of 2022

Arising Out of PS. Case No.-210 Year-2017 Thana- BIKRAMGANJ District- Rohtas

TAJAMUL ANSARI SON OF SADRUDDIN ANSARI RESIDENT OF
VILLAGE- MOHANI, P.S.- BIKRAMGANJ, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Bikramganj P.S. Case No. 210 of 2017 registered for the
offences punishable under Sections 341, 323, 342, 307, 324,
354, 504, 379 and 34 of the Indian Penal Code and subsequently
charge-sheet was submitted under Sections 323, 342, 387, 324,
504, 325, 34 of the Indian Penal Code.

As per prosecution case, accusation against the
petitioner is that he assaulted Kamruddin upon the head by
means of sword and by means of lathi on the leg.

Learned counsel for the petitioner submits that



petitioner is in custody since 07.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that pragmatically and prudently there cannot be any possibility that one person can give sword blow and lathi blow at one at the same time. Injury report upon the head is simple in nature and injury on leg is found grievous in nature which is not a vital part of the body. Learned counsel further submits that both parties are agnates and petitioner's father Sadruddin Ansari is cousin of the informant and this case cropped up due to family dispute. There is a case and counter case for the same date of occurrence between the parties and in that context the facts are generally exaggerated.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Dutt, learned A.C.J.M., - cum- Sub Judge 1st Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 210 of 2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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