

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47454 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- ISUAPUR District- Saran

Jane Alam Son of Hasmullah @ Md. Hasmullah Resident of Village- Sahwan,
P.S.- Isuapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Yadav, Advocate.
For the State	:	Mr. Akbar Ali, APP.
For the Informant	:	Mr. Kumar Samarjeet Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2022 Heard Mr. Krishna Kumar Yadav, learned counsel
for the petitioner and Mr. Kumar Samarjeet Singh, learned
counsel for the informant and Mr. Akbar Ali, learned Additional
Public Prosecutor for the State.

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

The petitioner apprehends his arrest in connection
with Isuapur P. S. Case No. 208 of 2020 registered for the
offences punishable under Sections 341, 323, 324, 307, 379,
354, 504 read with Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
11.12.2020 the neighbour of the informant namely, Nasurullah



Miyan came at his door and asked the informant to vacate the place as the same belongs to him. On protest being made, one Noor Alam and this petitioner came there armed with *lathi* and this petitioner assaulted the informant over his head. It is also alleged that co-accused persons snatched his valuables as well.

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.

Learned counsel appearing on behalf of the petitioner submits that there is land dispute between the parties and on account of that dispute a free fight has been taken place due to which the persons of both the sides have received injuries, however, all the injuries have been found to be simple in nature. It is also submitted that with regard to the present occurrence, there is counter version being Isuapur P. S. Case No. 212 of 2020 instituted by Fatma Begam. It is also submitted that this petitioner has no criminal antecedent and he is ready to give undertakings that he will not indulge in such type of occurrence in future.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that there



is specific allegation against this petitioner that he assaulted over the head of the informant.

Learned Additional Public Prosecutor for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that admittedly, there is land dispute between the parties and free fight has taken place between both the sides due to which the persons of both the sides have received simple injuries, apart from the fact there is counter version of the present case and this petitioner is having no criminal antecedent, let the petitioner, above named, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Isuapur P. S. Case No. 208 of 2020, 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 petitioner.
- (ii) The petitioner will co-operate 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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