

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39057 of 2022

Arising Out of PS. Case No.-254 Year-2019 Thana- CHHATAPUR District- Supaul

MD. NAUSHAD, Son of Late Md. Ahsanul @ Md. Ehsan, Resident of village- Indarpur, Ward Number- 12 Post- Lalpur, P.s.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr.Mrityunjaya Kr.Gautam, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Chhatapur P.S. Case No. 254 of 2019 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 354(A) and 379 of the Indian Penal Code.

As per prosecution case, petitioner and other co-accused persons assaulted the informant, her son and her husband causing injuries to them.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this

case. There is counter case also for the same occurrence and Chhatapur P.S Case No. 255 of 2019 was instituted on 10.09.2019 on the basis of the written report submitted by Musarat Khatton wife of co-accused Md. Ekbal under 307 of the Indian Penal Code and other minor Sections of the I.P.C. There is case and counter case between the parties and there are two versions for the same occurrence. Only allegation against this petitioner is that of giving *farsa* blow upon husband of the informant but no body part has been mentioned where this attack has been made. Barring a few exception, there is general and omnibus allegation of assault. During the course of investigation, no independent witnesses have supported the prosecution case. So far as the injury report of co-accused Md. Suber is concerned, two injuries has been found on the head of the victim caused by hard and blunt substance. The co-accused persons having more or less similar allegation have been granted anticipatory bail vide order dated 13.07.2020 passed in Cr. Misc. No. 3785 of 2020 by a Coordinate Bench. The co-accused Md. Mofil and Md. Hasim have already been granted regular bail vide order dated 11.12.2019 and 17.12.2019 passed in Cr. Misc. No. 82209 of 2019 and 83824 of 2019, respectively by another Coordinate

Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 09.02.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering grant of anticipatory and regular bail to other co-accused persons and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Supaul, (Bihar) in connection with Chhatapur P.S. Case No. 254 of 2019 corresponding to G.R. No. 1774 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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