

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51468 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- BELA District- Sitamarhi

MD. ALLAUDIN ANSARI Son of Salim Ansari Resident of Village-
Khairwa, P.S.- Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody since 17.07.2021
in connection with Bela P.S. Case No. 90 of 2021 registered
under Sections 341, 323, 324, 307 and 379/34 of the Indian
Penal Code.

The First Information Report was instituted on 15th of
May, 2021 in which the allegation has been made that on 11th of
May, 2021 when the informant proceeded from his house to
village Viswa and was in between Khaira Tola and Khairwa, all
the accused persons named in the First Information Report
including the petitioner herein who were waiting for him, placed
a wooden log in front of his motorcycle. He escaped the
accident whereafter the accused persons used sharp cutting



weapons causing injury to him as also took Rs. 3000/- from his pocket. This led to the institution of the case in question after four days of the alleged occurrence.

Learned counsel for the petitioner submits that actually the informant met with a motorcycle accident, which led to his injury on 11th of May 2021. He has further submitted that this FIR was a counter blast to Bela P.S. Case No. 87 of 2021, lodged on 15.05.2021 under Sections 341, 323, 324, 329 and 504/34 of the Indian Penal Code against the family of the petitioner and so the motorcycle accident was given the colour of assault by the accused persons.

Admittedly, the allegation dates to 11th of May, 2021 and the injury report was prepared on 12.05.2021. The First Information Report was finally lodged on 15.05.2021 after lodging of Bela P.S. Case 87 of 2021 by the other side. No plausible reason has been given for this delay.

Considering the aforesaid facts as also that the petitioner is in jail since 17.07.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of SDJM, Sadar, Sitamarhi in connection with Bela P.S. Case No. 90 of 2021 with the



condition that :-

(i) the petitioner shall cooperate in the trial and appear on each and every date. Failure to do so for two consecutive dates will entail initiation of process for cancellation of bail by the learned trial Court.

(ii) any observation made in this bail application will have no bearing to the proceedings of the trial relating to the case in hand.

The bail application is allowed.

(Rajiv Roy, J)

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