

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41595 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- RAMGARHWA District- East
Champaran

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S. K. Hamza S/O Sk Sajjad Resident of village- Chadwa, P.S.- Ramgarhwa,
District- East Champaran, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate.

For the Opposite Party/s : Mr. Pranav Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in connection with
Ramgarhwa P.S Case No. 237 of 2020 registered for the
offences punishable under Sections 147, 148, 341, 323, 324,
325, 307, 379 and 504 of Indian Penal Code.

As per the prosecution, the informant has alleged that
he was fencing his land, in the meantime, all the accused
persons including this petitioner arrived at the alleged place
with Lathi, Danda, Farsa, Bhala etc. and surrounded the
informant, thereafter this petitioner abused him and commanded
to kill him upon which a co-accused gave a Farsa blow on the
informant's head and gave another blow causing injury on his
hand, meanwhile other co-accused persons also assaulted him



by means of Lathi and Farsa and when the informant's wife and his sons arrived there, then they were also assaulted by the other co-accused persons. Further it alleged that this petitioner also assaulted the informant's son Jubaid Akhtar by means of Bhala causing injury on his head and thereafter they snatched some articles (Hasuli, Watch) and some cash and fled away from the alleged place.

The main submissions advanced by learned counsel Mr. Vijay Shankar Shrivastava appearing for the petitioner are that the petitioner is alleged to have assaulted the informant's son namely Jubaid Akhtar by using a spear and the injury report of the said injured person has been discussed in the order impugned which shows that the said injured person has sustained simple injury and the same is not corroborated to the allegation made against the petitioner in the FIR. Further submission is that the petitioner preferred Cr. Misc. No. 47679 of 2021 along with two co-accused persons but in the meantime the petitioner was arrested, hence his prayer made in that petition became infructuous and co-accused persons namely Sk. Abdullah @ Sheikh Abdullah and Sk. Akram @ Sk. Ekram who were petitioners in that Cr. Misc. Case No were granted anticipatory bail and in view of the nature of the allegation the



case of the petitioner stand on better footing from the co-accused Sheikh Abdullah. Further submission is that the petitioner has been languishing in jail since 17.03.2022 having clean antecedent.

Mr. Pranav Kumar, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's clean antecedent, his custody period and also the fact that informant's son namely Jubaid Akhtar who is stated to have been assaulted by this petitioner sustained simple injury as per the order of the court below and co-accused person namely, Sheikh Abdullah carrying more serious allegation than that of the petitioner is on anticipatory bail, in the opinion of this court the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M Raxaul, East Champaran at Motihar in connection with Ramgarhwa P.S. Case No. 237 of 2020.

(Shailendra Singh, J.)

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