

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41555 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- DAGARUA District- Purnia

-
1. WAHID@ ABDUL WAHID, S/O MD. TASLIM, Resident of village- Dubaili, P.S.- Dagarua, District- Purnia.
 2. SOHRAB, S/O MD. MUSTAK, Resident of village- Dubaili, P.S.- Dagarua, District- Purnia.
 3. AHSAN, S/O HASIM @ HASHIB, Resident of village- Dubaili, P.S.- Dagarua, District- Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anirudh Mishra, Advocate
		Mr. Jagdish Prasad, Advocate
For the Opposite Party/s :		Mr.Nirmal Kumar Sinha,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

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

In the present case, the petitioners seek bail in
connection with Dagarua P.S. Case No. 325 of 2021 registered
for the alleged offences under Sections 143, 341, 323, 32, 325,
307, 379, 504 and 506 of the Indian Penal Code.

As per prosecution case, petitioners and other co-
accused persons armed with *lathi* and *iron rod*, came and
assaulted the informant and his family members causing a

number of injuries to them. They also set the house of the informant under fire.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegations are general and omnibus against the petitioners. The real fact of the case is that daughter-in-law of the co-accused Abdul Rakib has been elected as ward member of ward no. 4 of Dubaily Panchayat in election held in 2021 and defeated Bibi Shahjahan, wife of Abdul Mannan. Due to this grudge, the present case has been registered against altogether 16 persons including this petitioners. The informant side also assaulted the petitioners' side and for this co-accused Abdul Rakib registered Dagarua P.S. Case No. 326 of 2021. Even though the report to the police was made earlier the police, in collusion with Abdul Mannan, registered this case as 326 of 2021 i.e. after registration of the case of the informant. Learned counsel further submits that both parties are neighbors and there is election rivalry due to which altercation took place between them and the present case is counter blast of Dagarua P.S. Case No. 326 of 2021. Further, no offence under Section 307 is made out and the injuries are simple and caused by hard and blunt objects. Charge sheet has been submitted in this case and the

petitioners are in custody since 12.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the petitioners have been named in the F.I.R and allegations against them is that of assaulting the informant and his family members and causing a number of injuries.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general nature of allegation which is also against 13 other persons and further considering the period of custody along with submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with Dagarua P.S. Case No. 325 of 2021, 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

U		T	
---	--	---	--