

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52635 of 2021**

Arising Out of PS. Case No.-379 Year-2021 Thana- ARARIA District- Araria

1. MD MAQSUD ALAM @ MD MAQSU Son of Late Sagir Haji @ Sagiruddin Resident of Village- Gaiyari, P.S.- Araria, District- Araria
2. MD MASROOR ALAM @ MASROOR ALAM SON OF MD. MAQSUD ALAM @ MD MAQSUD Resident of Village- Gaiyari, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar  
For the Opposite Party/s : Mr. Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      06-06-2022                      Heard the learned counsel for the petitioner and  
  
the State.

At the outset, learned counsel for the petitioners submits that the petition with respect to petitioner no. 1 has already been withdrawn *vide* order dated 07.04.2022.

The petitioner no. 2, namely, Md. Masroor Alam alias Masroor Alam seeks bail apprehending his arrest, in connection with Araria P. S. Case No. 379 of 2021, registered for the offences punishable under Sections 447, 341, 323, 324, 379, 354B, 48, 504, 506 and 34 of the Indian Penal Code.



As per the allegation, the informant was dispossessed from her shop forcibly, and she and her son, aged about 13 years, assaulted by the petitioners causing injuries to them.

The learned counsel for the petitioner no. 2 submits that the informant and the petitioners are family members and there is some property disputes between them. It has further been submitted that alleged injuries are simple in nature.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before Hon'ble Apex Court.

It has further been stated that the petitioner no. 2 has no criminal antecedent.

However, the learned counsel for the informant as well as the learned APP for the State have opposed the prayer for bail saying that the injuries caused was on the neck of the son of the informant.

Considering the afore-stated facts and circumstances, the petitioner no. 2, above-named, is directed



to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P. S. Case No. 379 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner no. 2 has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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