

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43790 of 2022

Arising Out of PS. Case No.-985 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Md. Husnin @ Md. Hasnain, S/o Late Abdul Rauf R/o village- Kaulpur, P.S.-
Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 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 Turkauliya P.S. Case No. 985 of 2021
registered for the alleged offences under Sections 341, 323, 354,
387, 307, 427, 504, 506 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, petitioner and other
co-accused persons came to the newly constructed house of the
informant and demanded Rs. 5,00,000/- as extortion money.
They told the informant that they have demolished the boundary

wall of the informant and would demolish his house as well. At the instigation of co-accused Lal Babu, co-accused Mosibur Rahman fired upon the informant and shot hit the informant on his left hand.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The informant has encroached the land of the petitioner's family by constructing the boundary wall and that has not been broken by the petitioner's side. Even from the perusal of F.I.R. it is apparent that there is no overt act attributed to this petitioner and he could at best be said the member of the mob. The allegation of firing is against co-accused Mosibur Rahman. Charge sheet has been submitted in this case and the petitioner is in custody since 02.06.2022.

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 the non-specific nature of allegation against the petitioner and further 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkailiya P.S. Case No. 985 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 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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