

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58182 of 2021

Arising Out of PS. Case No.-890 Year-2019 Thana- MADHEPURA District- Madhepura

Md. Laltu @ Kurban S/O- Md. Shahid Resident of Village - Bhirkhi, Ward
No. 26, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha < Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 17-05-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Madhepura P.S.Case No. 890 of 2019 for
the offences punishable under Sections 341, 324, 307, 333,
353, 337/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
16.10.2019, when the informant went SHO, Madhepura to
arrest Md. Nazir then his family members started pelting
stones over the police force. It is specifically stated that
this petitioner assaulted one constable by sharp cutting



weapon.

It is submitted by the learned counsel for the petitioner that infact no such incidence has taken place but on account of stone pelting, the said constable had received head injury, which has been later on manipulated and alleged that this petitioner has inflicted injury by means of sharp cutting weapon. It is further submitted that though the charge sheet has been submitted in this case but till date the injury report has not even brought on record to the learned court below. It is also submitted that the co-accused persons have been granted bail by different Benches of this Court and the copies of the orders thereof have been kept on record as Annexure- 2 and 3 to the petition. It is lastly submitted that this petitioner is in custody since 02.07.2020 and moreover, the investigation has already been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is specific allegation against this petitioner that he caused injury over the head of constable by sharp cutting weapon . Apart from the fact, this petitioner has found to be



involved in ten other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that, on the alleged date stone pelting was made by several accused persons which resulted into injury to other persons., including the constable. Moreover, this petitioner is in custody since, 02.07.2020 and till date the injury report has not even produced in the learned court below, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S.Case No. 890 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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