

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51607 of 2022

Arising Out of PS. Case No.-61 Year-2020 Thana- RAHIKA District- Madhubani

Md. Ashraf @ Md. Ashrafuddin, Son of Alauddin, R/O Village- Sugauna,
P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Harun Quareshi, Advocate
For the State	:	Md. Fahimuddin, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-12-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the father of the petitioner is seriously ill and he has been referred by the doctor to PMCH, Patna for better treatment and there is no one in the family to look after his father.

Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

Let the defect (s), if any, as pointed out by the office, be removed within four weeks from today.

In the present case, the petitioner seeks bail in connection with Rahika P.S. Case No. 61 of 2020, registered for the alleged offences under Sections 307, 147, 148, 149, 324, 325, 326, 380, 341, 342, 504 and 506 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-



accused persons assaulted the informant and his brother causing a number of injuries to them.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to local politics. The petitioner is a student and player of football at State level. The present case is counterblast to Rahika P.S. Case No. 60 of 2022 under Sections 341, 448, 323, 324, 354 (B), 379, 506/34 of the Indian Penal Code lodged by the co-accused Md. Kamran. The learned counsel further submits that the injury reports are collusive and have been prepared by the informant with the help of a private hospital. The other co-accused persons have been granted bail by different Coordinate Benches of this Court vide orders dated 02.02.2022 and 24.08.2021 passed in Cr. Misc. Nos. 42788 of 2021 and 14778 of 2021, respectively. The allegations are general and omnibus. The petitioner is in custody since 30.05.2022 and the charge sheet has been submitted.

Learned A.P.P. as well as learned counsel appearing on behalf of the informant oppose the prayer for bail. The learned counsel for the informant submits that the petitioner and other co-accused persons brutally assaulted the informant who received 17 injuries.

Having regard to the facts and circumstances and



submissions made hereinabove and considering the case of free fight for which there is a counter case as well and further considering the non-specific nature of allegation and also considering the submission of charge sheet and the period of custody of the petitioner, he 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, Madhubani, in connection with Rahika P.S. Case No. 61 of 2022, 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

