

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52376 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- BAJPATTI District- Sitamarhi

MD. LAL BABU MANSOORI @ LAL BABU NADAF Son of Late Md.
Mokim Mansoori R/V- Rasalpur, P.S- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Bajpatti P.S. Case No. 78 of 2022 registered for the offences
punishable under Sections 341, 323, 324, 307 and 504/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that petitioner
is alleged to have assaulted the informant's sister by means of
sword as a result of which victim sustained injury.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.07.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that there is a case and counter case between both the parties on the same date of occurrence and free fighting cannot be ignored. Petitioner and informant are agnates and on the said date of occurrence, the informant's family started abusing the petitioner's family and on protest the informant's family brutally assaulted the petitioner's son. In the light of the said fact, Section 307 is not made out. He further submits that informant side are aggressor for committing the alleged occurrence. He further submits that allegation against the petitioner is false and fabricated. He further submits that injury upon the victim are alleged to be simple in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, there is case and counter case between both sides and free fighting cannot be ignored, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 78 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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