

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64455 of 2021**

Arising Out of PS. Case No.-157 Year-2021 Thana- TARAIIYA District- Saran

MD. IJHAR @ MD. ISAHAR @ MD. ISAHAK S/o Md. Saheed R/o village-
Faridpura, P.S.- Taraiya, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma
For the Opposite Party/s : Mr.Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 06-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Taraiya P.S. Case No. 157 of 2021 for the offence punishable
under Sections 341, 324, 307, 354B and 323/34 of the Indian
Penal Code.

The prosecution story, in brief, is that due to dispute
regarding drainage of rain water, an altercation took place
between the informant and the present petitioner and his family
members and other neighbours. Allegation against the petitioner
is that he had assaulted on forehead of the victim Md. Akhtar



Ali by means of farsa and other accused persons also started assaulting the victim and other persons.

Learned counsel appearing on behalf of the petitioner submits that there is case and counter case in which both sides had sustained injury. Petitioner's side also lodged F.I.R. on the same day and the injury which has been caused on the forehead of the victim was unintentionally caused in self defence of the present petitioner. Petitioner further submits that from the injury report it would appear that the injury sustained by the victim Md. Akhtar Ali has been caused by hard and blunt substance and not by a sharp cutting weapon and on this score only, the entire allegation made against the petitioner becomes unsustainable. Petitioner is nearly 70 years old and has clean antecedent and is in custody since 30.08.2021. Hence the petitioner deserves to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that there is specific allegation against the petitioner that he had given farsa blow on the forehead of the victim Akhtar Ali with an intention to kill him. Hence the petitioner does not deserve to be released on bail.

On perusal of the injury report which is annexed as



Annexure-3 to the bail application prepared by the Medical Officer, Referral Hospital, Taraiya, Saran, it appears that the doctor has given his opinion that injury has been caused by hard and blunt substance. There is no allegation of tampering with the evidence or influencing the witnesses and trial is also not likely to be concluded soon.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Saran in connection with Taraiya P.S. Case No. 157 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

The trial court is directed to verify the genuinity of the Annexure-3 which is injury report annexed to the present bail application. If it is found that the said injury report is not genuine, this order shall automatically loose its force.

(Purnendu Singh, J)

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