

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67090 of 2021**

Arising Out of PS. Case No.-154 Year-2021 Thana- PIPRA District- East Champaran

AJIM SAI S/o Sakil Sai R/o village- Muslim Tola, Chap, P.S.- Pipra, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Archana Sinha, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

4 20-07-2022 Heard learned counsel for the petitioner and the State.

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

The petitioner is in judicial custody in connection
with Papra P.S. Case No. 154 of 2021 for the offences under
Sections 341, 323, 324, 325, 307, 447 and 504/34 of the Indian
Penal Code.

As per the FIR, the allegation against the petitioner is
of assaulting the informant's daughter and she sustained sword
injury.

Learned counsel for the petitioner submits that there is
case and counter case. Both the petitioner and the informant are
agnates and there was a dispute on the offering of '*Namaz*'
which led to the present incident. She further submits that there



is delay of three days in lodging of the FIR which has not been explained. Lastly, she submits that the petitioner is in custody since 01.09.2021 (as stated in paragraph-12 of the bail application) and has no criminal antecedent.

Taking into account the aforesaid facts that charge sheet stands submitted, the petitioner is in custody since 01.09.2021 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail. However, it is found that the petitioner do have criminal antecedent, the bail granted to him shall stand cancelled.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra Case No. 154 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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