

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67237 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

MD. KASIM, Son of Manir Ali, Resident of village - Kharra, Ward No.- 10,
P.S.- Town, District - Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Madhubani Town P.S. Case No. 08 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 504, 506, 509 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added. He is in custody since 13.04.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was at his house, the accused persons named in the F.I.R. and 5-7 unknown persons having lathi,



danda and rod came there and indulged in abuse and assault to the informant. It is alleged that when the informant's son and his wife went to save him then the accused persons assaulted them.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no occurrence in the manner alleged has ever taken place and the entire prosecution version is concocted one on account of land dispute.

It is further submitted that no specific allegation has been levelled against the petitioner and the deceased died after 22 days of the alleged occurrence.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the First Information Report itself it would appear that altogether 12 persons are named in the F.I.R. and 5-7 other persons from another village had also allegedly been assaulting the son of the informant and the informant also causing them injuries, there is no specific allegation against the petitioner, the alleged occurrence seems to have taken place on account of a land dispute and the deceased died 22 days after the alleged occurrence, some of the accused have been granted privilege of anticipatory bail in Cr. Misc. No. 67512 of 2021 and so far as this petitioner is concerned, he is said to be 75 years old and has remained in custody since 13.04.2021, investigation against him



is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 08 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

