

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67367 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- MARAUNA District- Supaul

Md Shekhawat @ Bablu Son of Md. Shahadut Resident of Village - Barhara  
Ward No.10, P.s.- Marouna, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 68207 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- MARAUNA District- Supaul

Md. Ayub son of Md. Yusuf R/o Village - Barhara Ward No.- 10, P.S.-  
Marouna, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 67367 of 2021)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 68207 of 2021)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      04-07-2022

**Cr. Misc. No.67367 of 2021**

Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.



The petitioner seeks bail in connection with Marouna P.S. Case No. 99 of 2021 registered for the offence under Sections 341, 323, 325, 307, 379, 354, 447, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 25.08.2021.

The allegation against the petitioner is to assault the son of the informant with iron rod, with intention to cause death alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that both the parties are in inimical terms prior to the occurrence, for which complaint case is pending bearing Complaint Case No. 847c of 2021. It has been submitted that the injury report is also doubtful as it has been procured from private hospital. It has been submitted that assault has been made without any intervening circumstances, which negate the intention to kill. While concluding the argument, it has been submitted that F.I.R. has been lodged after a delay of ten days without any satisfactory explanation and, moreover, petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the parties are in



inimical terms.

Considering the facts and circumstances as mentioned above, as there is substantial delay of ten days without any satisfactory explanation coupled with the fact that alleged assault is not repeated, negating the intention, let the petitioner, above named, is directed to be released on bail in connection with Marouna P.S. Case No. 99 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Mohammad Sultan, who is the uncle of the petitioner and deponent of the present bail petition.”



**Cr. Misc. No. 68207 of 2021**

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Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Marouna P.S. Case No. 99 of 2021 registered for the offence under Sections 341, 323, 325, 307, 379, 354, 447, 504, 506 and 34 of the Indian Penal Code.

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The allegation against the petitioner is to assault the son of the informant with iron rod, with intention to cause death alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that both the parties are in inimical terms prior to the occurrence, for which complaint case is pending bearing Complaint Case No. 847c of 2021. It has been submitted that the injury report is also doubtful as it has been procured from private hospital. It has been submitted that the allegation is limited only to abuse and general assault, in the background that specific allegation is against co-accused, namely, Md.



Shekhawat. While concluding the argument, it has been submitted that F.I.R. has been lodged after a delay of ten days without any satisfactory explanation and, moreover, petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the parties are in inimical terms.

Considering the facts and circumstances as mentioned above, as there is substantial delay of ten days without any satisfactory explanation coupled with the fact that the allegation is limited only to abuse and general assault, in the background that specific allegation is against co-accused, namely, Md. Shekhawat, let the petitioner, above named, is directed to be released on bail in connection with Marouna P.S. Case No. 99 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the



Trial Court itself for the cancellation of bail bond of the petitioner.

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Mohammad Sultan, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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