

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69106 of 2021**

Arising Out of PS. Case No.-99 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Md. Mallu @ Munna, S/o- Md. Islam Resident of Village- Gidha Phulwaria,
P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mahindwara P.S. Case No. 99 of 2019 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution case is that the petitioner and other co-accused persons, in the backdrop of some land dispute, assaulted the informant and his sons with knife, *Garansi* and *lathi*. Allegedly, the petitioner gave a knife blow to the son of the informant causing injury to him. They also snatched gold



chain and took away money from them.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as land dispute is admitted. There is case and counter case and co-accused Nek Mohammad has lodged Mahindwara P.S. Case No. 100 of 2019 against the informant's side for offences under Section 147, 148, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code and the petitioner's side has received a number of injuries on their person. The learned counsel further submits that the allegation of knife blow on the petitioner is false as only one injury has been found on the son of the informant on the back caused by sharp object and it was found to be simple in nature though the petitioner and another co-accused are stated to have given knife blow to the son of the informant in abdomen. Learned counsel further submits that other co-accused persons have been allowed anticipatory bail/bail vide order dated 22.10.2019 passed in Cr. Misc. No. 67424 of 2019 and order dated 19.01.2021 passed in Cr. Misc. No. 33611 of 2020. The petitioner is in custody since 13.09.2021.

Learned counsel appearing on behalf of the informant as well as learned APP opposes the prayer for bail.



Having regard to the submissions made hereinabove and considering the act attributed to the petitioner and his period of the custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Sitamarhi in connection with Mahindwara P.S. Case No. 99 of 2019, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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