

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72328 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- KUMAR KHAND District- Madhepura

Md. Shahbaz, Son Of Late Mustuf Resident Of Village - Jorawarganj, Ward
No. - 11, P.S. - Kumarkhand, District - Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 324, 379,
504, 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 26.06.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner submits that the
informant alleges that on 24.06.2021 at about 4.00 P.M., he went
to the house of the petitioner for asking his dues of Rs.2,000/-
with regard to fertilizer on which the petitioner assaulted the
informant with sword causing injury on his rib. Thereafter, it is



alleged that informant's father also went there and was assaulted by Md. Iliyas by an iron rod on his head and thereafter, it is alleged that the petitioner and the named accused persons assaulted the informant and his family members with lathi, rod and khanti, who came to rescue him and also snatched Rs.15,00/- from the informant's pocket.

The learned counsel for the petitioner submits that petitioner is agnate and next-door neighbour as pleaded in Para-10 of the bail application. Further, there is a case and counter-case. It is submitted that no doubt, the occurrence has taken place, but then the assault was not repeated. It is also submitted that one of the injuries is grievous in nature. It is next submitted that the petitioner is not a criminal and on account of altercation between the side of the informant and the petitioner regarding dues amount, the occurrence took place. It is also submitted that petitioner is not a criminal.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and there is a case and counter-case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kumarkhand P. S. Case No.177 of 2021.

However, it is made clear that if the learned Court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned Court below shall forthwith cancel his bail bonds after recording reasons and take all coercive steps to send him behind bars.

The application stands allowed.

(Satyavrat Verma, J)

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