

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3928 of 2023

Arising Out of PS. Case No.-746 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Ajmal Husain, Son of Late Ayub Ansari, Resident of Mohalla- Milat Nagar,
Ward No.20, P.S.- Aurangabad (T), District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Aurangabad (T) P.S. Case No. 746 of 2022 registered for the alleged offences under Sections 341, 323, 417, 448, 325, 307, 354, 506, 504, 379/34 of the Indian Penal Code.

As per prosecution case, petitioner and other co-accused persons entered into the house of the informant and tried to outrage her modesty and they abused her. When the husband of the informant opposed, he was assaulted by the petitioner with iron rod, causing fracture of the bone of nose. The petitioner also threatened the informant with gun. There was allegation of destroying the property earlier by the



petitioner and other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and falsely implicated in this case. The husband of the informant and petitioner are own brothers and there is dispute with respect to their share in ancestral property. The informant and her husband have brought this case in order to deny the petitioner's share and in order to usurp the entire house. The informant and her husband have also ousted the mother of the petitioner from the house. The mother used to live with the petitioner and due to his incarceration she now lives with her daughter. The allegation of causing fracture of the nose is absolutely false and injury report shows the injuries are simple in nature. The other allegations are palpably false and no complaint was made for the earlier occurrence caused by the petitioner and other co-accused persons. The petitioner is in custody since 23.11.2022 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and submission made on behalf of the petitioner and considering the non-serious nature of injuries and also considering the clean antecedent of the petitioner along with his period of



custody and submission of charge sheet, 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (T) P.S. Case No. 746 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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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