

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11736 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- MAHESI District- East Champaran

Md. Azad @ Azad Ahmad Son Of Md. Ainul @ Late Ainul Hoda @ Ainul
R/O Village- Chak Abdul Gani, (PURANI Mehsi), P.S.- Mehsi, District- East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with Mehsi P.S. Case No.172 of 2022 instituted under Sections
341, 323, 324, 354B, 427, 379, 307/34 of the Indian Penal Code
lodged on 11.06.2022 by the informant Md. Ishlam.

As per the FIR, informant demolished his old house
and kept remains on his own land. Md. Neyaz, Md. Azad, Md.
Asif, Md. Hame Md. Sajal, Tabrez Samas, Rani Khatoon,
Farzana Khatoon, Masuma Khatoon suddenly came and abused
the informant. When he opposed Md. Neyaz, and Md. Azad
assaulted with daab and sword on his head due to which he
sustained injuries in his head. When his wife came to his rescue
Tabrez Samas instigated to kill both of them and assaulted with
rod on his hand and leg due to which he sustained injury. His



wife also sustained injury. They also snatched gold chain worth Rs 45,000 from his wife's neck. They also damaged sweing machine and took away a case in which articles worth Rs. 50,000/- were kept. Villagers admitted them in Mehasi Health Centre. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that there is case and counter case in the matter, the injuries have been found to be simple in nature and he has remained in custody since 30.11.2022 (as stated in para-15 of the petition). Further, irrespective of the outcome of the present case as also without accepting the allegation, he is ready to pay Rs.15000/- to the injured for his treatment.

Learned APP opposes the prayer but concede that the injuries are simple in nature.

Considering the aforesaid facts narrated by the petitioner as also that he has remained in custody since 30.11.2022, subject to payment of Rs.15,000/-, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mehsi P.S. Case No.172 of 2022 to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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