

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18177 of 2023**

Arising Out of PS. Case No.-113 Year-2022 Thana- MANIGACHI District- Darbhanga

Md. Irshad @ Laddan @ Md. Irshad Alam, Son of Md. Juhi, R/o Ramnagar,
P.S- Manigachhi, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Ashfaque Ahmad, Advocate

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

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

2 15-05-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. In the present case, the petitioner seeks bail in connection with Manigachhi P.S. Case No. 113 of 2022 registered for the alleged offences under Sections 147, 341, 323, 324, 354, 379 and 504 of the Indian Penal Code. Later on, Section 307 of IPC was added.

3. As per prosecution case, petitioner and other co-accused persons entered into the courtyard of the informant and on saying of the co-accused Md. Shakeel, the petitioner assaulted the informant with *garasa*, causing fracture of her head. Other co-accused persons tore the *saree* of the informant and also assaulted her with *danda*/slaps and fists. When the mother-in-law of the informant tried to save her, she was also assaulted by the assailants and her head was fractured. The occurrence took place in the background of dispute over installation of electricity meter by co-accused Md. Shakeel.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The entire prosecution case is based on exaggeration. Learned counsel further submits that the fabrication and the exaggeration in the case is manifest from the fact that the informant with her brother-in-law neither went to the nearby Primary Health Centre nor to the D.M.C.H but they chose to go to a private hospital in the District of Madhubani to manage the injury report. Moreover, the informant was discharged after stitching of wound and even then the injury is stated to be grievous. The real fact of the dispute is with regard to the ancestral property between the parties. Learned counsel further submits that this petitioner never indulged in the alleged occurrence but he is only a neighbour and reached the place of occurrence to resolve the dispute between the parties and it was objected by the informant and consequent thereupon false, fabricated and concocted case has been lodged against the entire family member of the petitioner. In fact, there is counter case bearing No. 114 of 2022 which was lodged by one Rehana against the informant and her husband and other co-accused persons. The petitioner is in custody since 06.01.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner that he used



to give *garasa* blow to the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and 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 Additional Chief Judicial Magistrate-Vth, Darbhanga/court concern in connection with Manigachhi P.S. Case No. 113 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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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