

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22203 of 2023

Arising Out of PS. Case No.-624 Year-2022 Thana- HARSIDHI District- East Champaran

Atiullah Ansari, Son of Moulvi Miyan, Resident of Dudhahi Madrasa Tola,
P.S.- Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Usha Kumari, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Kundan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Harsidhi P.S. Case No. 624 of 2022 registered on 11.12.2022 for the alleged offences under Sections 341, 323, 324, 307, 120B and 504/34 of the Indian Penal Code.

3. As per prosecution case, over some land dispute petitioner and other co-accused persons abused and assaulted the informant and his brother with sword. The informant further named two co-accused persons for being conspirators.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no allegation of assault against this petitioner only



allegation is that of giving order for assault but the same is not true. The injuries on the victims are grievous and simple, respectively. Petitioner is in custody since 12.12.2022 and charge-sheet has been submitted. Petitioner is having one criminal antecedent of the year 2010.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused persons made attempt on the life of the informant and his brother and they caused grievous injuries to them.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is only an order giver where the authors of injuries are other co-accused persons and further considering the period of custody of the petitioner along with 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 Judicial Magistrate-1st Class-cum-Additional Munsif, Sadar, Motihari/court concern in connection with Harsidhi P.S. Case No. 624 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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