

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20135 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- TURKAULIYA District- East Champaran

Jakir Alam Son Of Tanjeer Miya Resident Of Village- Hardiya, Ps-
Raghunathpur O.P. Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 28
of 2023 registered on 08.01.2023 for the alleged offences under
Sections 341, 323, 324, 307, 354, 379, 504, 34 of the Indian Penal
Code.

04. As per prosecution case, in the background of some
dispute, the petitioner and other co-accused persons hurling abuse,
assaulted the informant and his son along with other family
members, causing injuries to them. Allegedly, the son of the
informant received injury on his head, which was caused by this



petitioner.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to dispute over land and some personal grudge. There is a case and counter case between the parties and the co-accused Nooresha Khatoon has lodged Turkauliya (Raghunathpyur O.P.) P.S. Case No. 41 of 2023 dated 10.01.2023, which was registered under Section 341, 323, 354, 504, 34 of the Indian Penal Code, in which, a number of persons from the informant's side have received injuries. Learned counsel further submits that, moreover, the allegation of assault on the informant's son is against the petitioner and another co-accused Najamuddin Alam, but only one injury has been found on the person of the informant's son. The allegations are mostly omnibus and general against all the accused persons. The petitioner is in custody since 09.01.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail submitting that there is allegation of assault against the petitioner that he caused injury on the head of the informant's son and the injury report shows a lacerated wound of about 3cm x 1.5cm x skindeep over the left temporo-parietal region of the informant's son.

07. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that allegation of causing injury on the person of informant's son is against two persons and only one injury has been found 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 bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 28 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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)

Ashish/-

U		T	
---	--	---	--

