

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25645 of 2023

Arising Out of PS. Case No.-430 Year-2022 Thana- RAJAPAKAR District- Vaishali

Md. Salim, S/o Md. Rafique R/o- Rajapakar, P.S.-Rajapakar, District-Vaishali
(Hajipur)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Rajapakar P.S. Case No. 430 of 2022 registered for the alleged offences under Sections 341, 3023, 307, 379 and 504/34 of the Indian Penal Code.

3. As per prosecution, over a minor dispute, the petitioner and other co-accused persons assaulted the informant and his family members and took away Rs.10,000/- from the pocket of the son of the informant. Allegation against the petitioner is that he gave a sword blow on the head of the son of the informant causing injury to him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Prior to filing of the present case an occurrence took place on 07.12.2022 and co-accused Md. Hanif registered Rajapakar P.S. Case No. 431 of 2022 against the informant side. The petitioner and his family members were assaulted by the informant and others. Learned counsel further submits that the informant is the uncle of the petitioner and there is land dispute between them. Moreover, on the facts of the FIR though the petitioner is said to have given a sword blow but the injury report shows victim received injury by hard and blunt substance. Injury on the scalp is only abrasion which is simple injury. Injury on the leg is a hairline fracture which is stated to be grievous but there is no allegation against the petitioner for causing the same. The petitioner is in custody since 12.02.2023 and charge-sheet has been submitted. Petitioner is having one criminal case pending against him but he is on bail in that case.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the minor nature of injury of the victim said to be assaulted by the petitioner and also 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 Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur/concerned court in connection with Rajapakar P.S. Case No. 430 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

