

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29605 of 2022

Arising Out of PS. Case No.-324 Year-2020 Thana- TURKAULIYA District- East
Champaran

Shahid Alam @ Bablu @ Sahid Alam, aged about 30 years, Male, Son of Ali
Mohammad Resident of Village- Semra Belwatiya , P.S- Turkuliya , Dist- East
Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Turkuliya P.S.
Case No. 324 of 2020 registered for the offence punishable under
Section 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code
(for brevity 'IPC') and 27 of the Arms Act.

There is allegation of assault by various means by the
petitioner along with ten-twelve (10-12) unknown persons and six (6)
named persons.

It is submitted by the petitioner's counsel that the allegation of
assault by means of sword or fire arms is not corroborated by any
injury report. The parties are relatives and there is subsisting land
dispute which forms the basis of petitioner's implication in one case
after the other at the instance of the family of the prosecution party.
Under such circumstances, petitioner is accused in four other cases as
per disclosure made in paragraph No. 3 of the bail application.
Likewise, there are counter cases against the prosecution parties at
the instance of the petitioner and his family members. The petitioner
is stated to be in custody since 28.02.2021.

Learned APP for the State has opposed the prayer for bail.



Referring to the injury report, she is not able to point out that there is any injury corroborating the alleged assault by means of sword or fire arms.

Considering the rival submissions, material in the investigation, petitioner's period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, (Motihari), in connection with Turkuliya P.S. Case No. 324 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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