

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34436 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- JHAJHA District- Jamui

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GULJAR MIAN @ MD. GULJAR S/O MUSA MIAN R/O Village- Dhobiya
Kura, P.S- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned Senior Counsel for the petitioner and
the learned APP for the State.

The petitioner is in judicial custody in connection with Jhajha P.S. Case No.112 of 2023 instituted under Sections 147,148,149,341,323,324,307,325,504,506 of the IPC lodged on 25.02.2023 by the informant Md. Niyaz Ansari.

As per the FIR, the informant lodged a complaint on 25.02.2023 at 11.00 in the morning on his land alleging therein that accused Musa Mian and his sons were operating JCB machine. As he objected, accused Musa Mian assaulted him by sword on his head causing injury. When his son came to his rescue, it is alleged that Makbul assaulted him by 'Kulhari' on



his head. Kamruddin assaulted his brother Islam by 'Katta' and sword on his head when his another brother Jaffar came, accused Insan and accused-petitioner Guljar assaulted him with 'Farsa' on his head causing injuries, when brother Mukim came, he was assaulted by Amari and Arif. The aforesaid occurrence was pre-planned executed by the accused persons named in the FIR. Accordingly, the FIR.

Learned Senior Counsel for the petitioner submits that there is case and counter case between the parties relating to land dispute and so far as this petitioner is concerned, allegation is of assaulting and injuring the informant's brother Jafar Miya. He has taken this Court to the injury report of the said Jafar Miya to show that the same has not been found to be grievous in nature. The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer stating that the allegation of assault on the head is attributed to the present petitioner.

Taking into account the fact that there is case and counter case relating to land dispute, the medical report does not show the assault attributed to petitioner to be grievous in nature, he do not have criminal antecedent and is in custody since



26.02.2023 (as stated in paragraph-13 of the petition, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jhajha P.S. Case No.112 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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