

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43178 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- PUPRI District- Sitamarhi

Rayees Ajam @MD Rayees Ajam Son Of Late Abdul Badud @ Wadud
Resident Of Village- Awapur, Ward No 04, Police Station -PUPRI, Distt-
Sitamarhi.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohammad Sufyan, Advocate
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Ashhar Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the State and

learned counsel appearing on behalf of Informant.

2. Let the defect(s), if any, be removed within a

period of four weeks from today.

3. The petitioner seeks bail in connection with Pupri

P.S. Case No. 48 of 2022 registered for the offence under

Sections 147, 148, 149, 341, 323, 324, 307, 452, 325, 379,

354(B) of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is



in custody since 10.05.2023.

5. The allegation against the petitioner is to assault informant and others alongwith co-accused persons/family members by means of iron rod and lathi, causing head and bodily injuries, where allegation against this petitioner is also to assault with knife having intention to cause their death, where occurrence is arises out of local political disputes and differences.

6. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated with present case only for the reason that he is one of the eye-witness of the occurrence i.e. of Pupri P.S. Case No. 16 of 2022, where nephew of this petitioner was murdered by informant and others. It is submitted that several named co-accused persons of this case are eye-witness of Pupri P.S. Case No. 16 of 2022, like petitioner, and such, in a very planned and formulated manner, the present false implication was raised to create a pressure as to counter Pupri P.S. Case No. 16 of 2022. It is submitted that if narration of FIR be taken into consideration, allegation against this petitioner appears in two parts, firstly, regarding causing physical assault to informant alongwith other co-accused persons on legs of



informant/injured causing fracture and secondly, it was alleged that this petitioner assaulted informant by knife causing injury to his right wrist and right chest and thereafter also assaulted with rod, causing head injuries. It is submitted that having all occasions and circumstances in favour, the petitioner at first instance assaulted informant/injured on non vital parts alongwith three more co-accused persons, having no reason to assault separately by means of knife and rod, which suggest that petitioner was not under intention to cause death of the informant/injured. It is submitted that though one injuries was shown on the head of informant/injured but on medical examination, no such injury was noticed which also suggest false implication of this petitioner. Learned counsel further submitted that if the petitioner was under intention to cause death of informant/injured, would not stop to assault physically without having any intervening circumstances. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases but after investigation, police submitted final form and as such it can be safely said that he is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the



evidence.

7. Learned APP, duly assisted by Mr. Ashhar Mustafa, learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that it can be easily gathered from the injury report that this petitioner repeatedly assaulted informant/injured on his vital parts including chest which suggest his intention to cause death but he fairly conceded that grievous injuries were found upon non vital parts of the body.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as at first instance informant/injured stated general and omnibus allegation *qua* physical assault against petitioner, where subsequent specific assault appears to checked without having any intervening circumstances, negating *prima facie* intention to cause death, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Pupri P.S. Case No. 48 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sitamarhi/concerned



Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) One of the bailor shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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