

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42798 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- ARARIA District- Araria

MD. SADIK @ MD. SADIQUE Son of Kalim @ Kalimuddin Resident of
Village - Hariya, Ward No. 9, P.S. and District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Araria
(R.S.) P.S. Case No. 173 of 2022 registered for the offences
punishable under Sections 448, 147, 148, 341, 323, 324, 307, 379,
354(B), 427 and 504 of the Indian Penal Code.

As per prosecution case, petitioner and others
assaulted informant by blow of Dabia but in the meantime the
informant's son Ayaz came who sustained injury on his head. It is
alleged that petitioner tore clothes of informant and outraged her
modesty and also assaulted her by fists and kicks. It is also alleged
that when the informant's husband Niyaz came there to save the



informant, petitioner also assaulted him by blow of Dabia as a result of which he sustained injury on head.

Learned counsel for the petitioner submits that the injury report of Ezaz indicates that no significant injury has been sustained by him on his vital parts of the body and there is no injury report available in the case diary except Ezaz's injury report. He further submits that no case has been made out under Section 307 of the Indian Penal Code. It has been submitted that the alleged offences under Sections 354(B) and 379 of the Indian Penal code are superaddition with a view to make the offence graver. It has been submitted that there is land dispute between the parties, since long. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case due to previous enmity and land dispute. Learned counsel for the petitioner submits that petitioner is in custody since 06.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (R.S.) P.S. Case No. 173 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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