

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53432 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- ARARIA District- Araria

Md. Arshad S/o Late Kasim Resident of Diyari, Ward No.-8, P.S.-Araria,
District-Araria. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Tapeshwar Sharma, APP
For the Informant : Mr. Mukesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
06.05.2023 in connection with Araria P.S. Case No. 267 of
2023, F.I.R. dated 23.03.2023 for the offences punishable under
Sections 341, 323, 307, 379, 506/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along
with his wife have assaulted the informant and her son due to
some land dispute. It is further alleged that the petitioner gave a
spade blow on the head of the informant due to which she
sustained injury on her head.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that due to admitted land dispute the present occurrence has taken place. He further submits that as per the allegation, the petitioner has gave spade blow on the head of the informant due to which she received injury. The petitioner is in custody since 06.05.2023.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he assaulted the informant and the injury report of the informant suggest that the injury is grievous in nature. They further submits that the petitioner also assaulted the son of the informant.

7. Considering the fact that the present occurrence has taken place due to admitted land dispute between the parties and the petitioner has clean antecedent, 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,



Araria in connection with Araria P.S. Case No. 267 of 2023,
subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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