

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53316 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- RAMGARHWA District- East
Champaran

SK. SAHABUDDIN @ SAHABUDDIN @ SAHABUDIN SON OF SK.
HEFAZAT RESIDENT OF VILLAGE- UCHI BHATIYA, PS-
RAMGARHWA, DISTT- EAST CHAMPARN Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023

Heard the parties.

The petitioner is an accused in connection with Ramgarhwa P.S. Case No. 146 of 2023 registered for the offences under sections 341, 323, 450, 307, 354, 379, 504 and 34 of the Indian Penal Code lodged on 13.04.2023 by the informant, Rehana Khatoon.

As per the prosecution story, the accused persons had earlier threatened her of committing murder, once they take bail in Ramgarhwa P.S. Case No. 92 of 2023. On the fateful day, they came armed variously and after abusing the informant assaulted her causing injuries as also took away articles worth Rs. 1,20,000/- . Accordingly, the FIR.

As per the learned Counsel for the petitioner though allegation of assault is there, no injury report is forthcoming as stated in paragraph 7 of the petition and further the submission is that without accepting the allegation and/or the outcome of



the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that twice they have resorted to assault leading to two criminal cases against him.

Considering the fact that though allegation of assault is there, no injury report is on record, is in custody since 15.04.2023 (as stated in paragraph 9 of the bail application), there is a land dispute between them, this Court is inclined to extend him privilege of bail subject to the payment of Rs. 10,000/- as undertaken by the learned Counsel for the petitioner, as stated above.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 146 of



2023, subject to the 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 month for next one year 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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