

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55097 of 2023

Arising Out of PS. Case No.-108 Year-2021 Thana- BAUNSI District- Araria

Shamim Ahmad @ Md Shamim Son Of Late Salimuddin Resident Of Village-
Karaila, Ward No. 13, Ps- Baunsi, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Adv.
For the State	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Madhav Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Binod Kumar, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State. The informant is represented by Mr. Madhav Jha, learned counsel.

2. The petitioner apprehends his arrest in connection with Bausi P.S. Case No. 108 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 354(B), 379, 504, 506 of the Indian Penal Code.

3. Allegedly, in the night of 09.10.2021, after the election being held, while the informant and her husband was in his house, in the meantime, all the accused persons variously armed with weapons came there and on the exhortation made by co-accused this petitioner assaulted the husband of the



informant over his head by means of iron rod due to which he sustained grievous injury.

4. Learned counsel for the petitioner while drawing the attention of this Court to the FIR submits that the present FIR has been instituted on the premise of election dispute and moreover, the alleged occurrence took place on 09.10.2021 but surprisingly the FIR has been instituted on 16.10.2021. He next submits that on the alleged date of occurrence the petitioner was getting his treatment done in the Sadar Hospital, Araria as he was suffering from diarrhoea and in support of his assertion the medical prescription issued by the Sadar Hospital, Araria has been brought on record. He next submitted that considering the aforementioned facts the police after investigation has not sent up the petitioner for trial however, differing with the final report, the learned court below has taken cognizance for the offence alleged, hence the present application. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the informant opposes the bail application and submits that the petitioner is the author of the grievous injury due to which the husband of the informant is hanging in between the life and death and only for the reason that the informant was all along with



her husband and getting his treatment done, the delay has occurred in lodging of the FIR.

6. Learned counsel for the State also opposed the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the police after investigation submitted final form showing him innocent, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria/Competent Jurisdiction in connection with Bausi P.S. Case No. 108 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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