

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59287 of 2023**

Arising Out of PS. Case No.-214 Year-2023 Thana- KALYANPUR District- East Champaran

ALTAH HUSSAIN Son of Mujibur Rahman @ Mojibur Rahman Ansari R/o  
vill and P.S. Kalyanpur, Distt. - East Champaran At present resident of  
village- Jahangirpur, P.S. - Shyampur Bhatha, Distt. - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      05-09-2023      Heard the parties.

The petitioner is in judicial custody in connection with Kalyanpur P.S. Case No. 214 of 2023 for the offence punishable under Sections 341, 342, 323, 324, 504, 506/34 of the Indian Penal Code and section 25(1-B)a, 26, 35, 36 of the Arms Act lodged on 19.6.2023 by the informant, Nurul Hoda.

As per the prosecution story, the accused persons came to the house of the informant, armed variously due to land dispute and started abusing/assaulting and later tried to kidnap. The police came and seized the Bolero car and the arms. Accordingly, the FIR.

Learned counsel for the petitioner submits that there is case and counter case for the same occurrence, the injuries of



the informant have been found to be simple in nature (Annexure-P/4) and is in custody since 20.6.2023 (para-15 of the petition).

Learned APP opposes the prayer stating that he they have abused/assaulted the informant's side.

Considering the submission put forward by the parties as also the fact that he is in custody since 20.6.2023, do not have criminal antecedent and the injuries have been found to be simple in nature, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 214 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 fortnight for next six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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