

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59901 of 2022**

Arising Out of PS. Case No.-52 Year-2022 Thana- KESARIA District- East Champaran

JAMALUDDIN ANSARI Son of Rajak Mian R/O Village- Gochhi, P.S-
Kesariya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 24-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Kesariya Police Station (for brevity, **PS**) Case No 52 of 2022 registered for the offence punishable under Sections 341, 323, 324, 326, 379, 307, 504, 506/34 of Indian Penal Code.

It is alleged that five persons, including the petitioner, have abused and assaulted the informant and his family members.

Learned counsel for the petitioner submits that allegation of assaulting the informant on his head with a sharp cutting weapon is against co-accused Ashraf Ansari. Against the petitioner, there is allegation of exhorting, and assault on the informant, subsequently by means of **lathi**. The injury report, which is simple in nature, does not corroborate the allegation made against the petitioner. Petitioner has no antecedent. In fact, the occurrence has taken place as both the prosecution as well as the accused side claim ownership of particular lands and scuffle has taken place as a result of such competing claims. Petitioner is stated to be in custody since 27.08.2022.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody, manner of implication and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in Kesariya PS Case No 52 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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