

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64719 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- PHULPARAS District- Madhubani

Md. Samim Son of Late Md. Ynush @ Late Md. Yunus Village-Sisva Barhi,
P.S.-Phulparas, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Vinod Kumar, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s :		Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Phulparas P.S. Case No. 332 of 2023 dated 14.06.2023, lodged
under Sections 341, 323, 307, 379, 504, 34 of the I.P.C. read
with Section 27 of the Arms Act.

4. As per the prosecution case, there are six named
accused persons in the F.I.R. including the petitioner. The
allegation against the petitioner is of air firing and then fled
away.

5. Learned counsel for the petitioner submits that from the contents of the F.I.R., it is specific that assault has been made by one Md. Sakil by *farsa* on the head of the informant and against the petitioner, specific allegation is of air firing. Counsel submits that both petitioner and informant's side are well known to each other and are resident of same village.

6. Learned counsel for the petitioner further submits that there are long enmity going on between the petitioner and informant's side. There are series of criminal cases which they have filed against each other. The present case is the result of the alleged occurrence dated 12.06.2023 and there are case and counter case for the said date and place of occurrence. One has been filed by the informant's side bearing Phulparas P.S. Case No. 332 of 2023 and another has been filed by the petitioner's side bearing Phulparas P.S. Case No. 333 of 2023.

7. Learned counsel for the petitioner further submits that the petitioner is in custody since 15.07.2023. Counsel further submits that there are in total nine criminal cases pending against the petitioner. Out of nine cases, five cases have been filed by the informant's side. Counsel further submits that in all the cases, petitioner has been granted bail.

8. Learned counsel for the State opposes the prayer

for bail and submits that it is true that there is a case and counter case but it is also true that there are nine criminal antecedents of the petitioner.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IInd, Jhanjharpur, District- Madhubani in connection with Phulparas P.S. Case No. 332 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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