

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68451 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- SAKRA District- Muzaffarpur

Md. Mazhar Islam, S/o Md. Amin @ Amin Ahmad R/O Village-Sadpura, P.S.-
SAKRA, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sakra P.S. Case No. 367 of 2023, lodged on 02.08.2023 under
Sections 147, 148, 341, 323, 324, 307/34 of the Indian Penal
Code.

3. As per the prosecution case, the FIR has been lodged
against 6 named accused persons including the present petitioner
with general and omnibus allegation against them to the effect
that they have assaulted the informant's family by lathi, danda
and iron rod due to which, the family members of the informant
got injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that both the informant and the petitioners' side are



resident of the same village and due to petty dispute, the scuffling took place and for the same date and place of occurrence, there are case and counter case. One case has been lodged from the informants' side being Sakra P.S. Case No. 367 of 2023, whereas, another case has been lodged from the petitioners' side being Sakra P.S. Case No. 369 of 2023. He further submits that the injury has been caused to both the parties. He also submits that in the rejection order dated 13.09.2023 passed in B.P. No. 1275/2023 by the learned Additional District and Sessions Judge-XVIIth, Muzaffarpur, it has been acknowledged that injuries are simple in nature. He further submits that there are two criminal cases against the petitioner in one case, he is on bail, while, in the other, he has been acquitted. He further submits that the petitioner is in custody since 05.08.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sakra P.S. Case No. 367 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 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.

(Dr. Anshuman, J.)

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