

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66336 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Istiyaque @ Istak Ali @ Ansari Mian @ Asrani Mian Son of Sobrati Mian @
Julfkar Alam Resident of village - Mahuawa, P.S. - Kuchaikote, District -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kuchaikote P.S. Case No. 259 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner assaulted the informant by means of *knife* causing injury at his rib, stomach and back and further several other accused persons also assaulted the informant.

The main submissions advanced by learned counsel for petitioner are that as per the FIR this petitioner and co-accused Sobrati Mian were alleged to have caused *knife* injuries to the informant and the said co-accused Sobrati Mian has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 65260 of 2022 and in actual the prosecution party also assaulted the petitioner and co-accused Sobrati Mian who sustained injuries in that occurrence and on behalf of the petitioner's side complaint case no. 1271 of 2022 was lodged against the informant and his family members and photocopy of the injury report of the informant has been filed as Annexure-3 which shows that the informant sustained simple injuries. Further submission is that against the petitioner there is criminal antecedent of one case in which he is on bail and he has been languishing in jail since 31.07.2022 and against him investigation has been completed.

Learned APP for the State has opposed the bail prayer.

Considering the above submissions and mainly the facts that one similarly situated co-accused who is carrying similar nature of allegation has been granted bail by a co-ordinate bench of this Court mentioned above and the injuries of the informant who is said to be the main and sole injured have been opined to

be simple in nature as evident from the Annexure-3 and against the petitioner the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Kuchaikote P.S. Case No. 259 of 2022.

(Shailendra Singh, J)

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