

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71014 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- BAHADURPUR District- Darbhanga

Md. Mansoor, S/O Md. Shamid R/O Village- Mekna, P.S- Bahadurpur
(SONAKI O.P), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Kedar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and counsel for the informant.

2. The petitioner seeks regular bail in connection with
Bahadurpur P.S. Case No. 251 of 2023, lodged on 17.05.2023
under Sections 341, 323, 307, 504, 506 and 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 against whom there is an allegation that they have
assaulted the informant and due to which he sustained head
injury and it has also been alleged that due to injury, the
informant was sent to D.M.C.H. and when he become
conscious, he gave his statement to the police.



4. Learned counsel for the petitioner submits that from the contents of the FIR, it is very much clear that the date of occurrence is 14.05.2023, whereas the FIR has been lodged on 17.05.2023 i.e., 3 days after the date of occurrence. Counsel also submits that from the FIR itself, it is clear that due to electric wire connection, the dispute has arisen. Counsel further submits that the informant and the petitioners' side both are adjacent neighbours and this dispute has arisen on pity issue.

5. Learned counsel for the petitioner submits that for the same date and place of occurrence, there were 2 criminal cases filed, the present case i.e. Bahadurpur P.S. Case No. 251 of 2023 has been filed from the informants' side, whereas Bahadurpur P.S. Case No. 252 of 2023 was filed from the petitioners' side. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 19.08.2023.

6. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that from the occurrence caused at the instance of the petitioner and others, the informant sustained head injury and therefore, the petitioner may not be granted bail.

7. Learned counsel for the informant also submits that there is one criminal antecedent of the petitioner, whereas in the



bail petition, the petitioner submits that there is no criminal antecedent of the petitioner. Hence, in this view of the matter, trial court is directed to verify the same, and if there is no criminal antecedent of the petitioner then he shall be released on bail otherwise he shall not be released on bail.

8. 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 S.D.J.M, Darbhanga in connection with Bahadurpur P.S. Case No. 251 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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