

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74117 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- BAJPATTI District- Sitamarhi

Md. Alim Mansuri @ Alim Nadaf Son of Lal Babu Mansuri @ Lal Babu Nadaf Resident Of Village - Rasalpur, P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-01-2023 Heard Dr. Bidhu Ranjan, learned counsel appearing on behalf petitioner and Mr. Umesh Lal Verma, learned A.P.P. appearing on behalf of the State.

The petitioner seeks bail in connection with Bajpatti P.S. Case. No. 78 of 2022 registered for the offence punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was released on bail vide order dated 05.09.2022 passed in Cr. Misc. No. 32818 of 2022 but his bail bond was not accepted in view of the condition contained in the aforesaid order which is reproduced here under:

“The Court below is directed to verify the records of the case as to whether the petitioner had received such injury as claimed by him and duly



supported by the injury report and after verifying the said fact, the petitioner, above named, is directed to be enlarge on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarhi in connection with Bajpatti P.S. Case No. 78 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every dated fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move the cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.”

Learned counsel appearing on behalf of the petitioner submitted that the petitioner lodged an F.I.R. in connection with Bajpatti P.S. Case No. 79 of 2022, which is counter case subsequent to the Bajpatti P.S. Case No. 78 of 2022 lodged against the petitioner by the informant. He further submitted that petitioner has given specific statement in paragraph No. 10 of the bail application that no such injury was found. However, the submission is to the effect that petitioner sustained blood injury on his finger. He further submitted that this Court after hearing the bail application of the petitioner on merits has granted bail to him.

It appears that case and counter case were filed by



both the parties due to the fact that petitioner had entered inside the campus of the informant which led to exchange of hot words between the parties and on the spur of moment in self-defence petitioner has assaulted the informant.

Learned counsel appearing on behalf of the State has vehemently opposed the prayer for grant of bail of the petitioner. He submitted that the F.I.R. itself, which was lodged by the petitioner, is vexatious and smacks the injury sustained by the informant. On such view of the matter, the bail application of the petitioner is fit to be dismissed.

Considering the rival submission of the parties and taking into consideration that vide order dated 05.09.2022 passed in Cr. Misc. No. 32818 of 2022, the petitioner was granted bail on the condition that before release Court below shall verify from the records as to whether or not the petitioner had received such injury as claimed by him. This Court had earlier found that petitioner's goat had entered into the campus of the informant which led to hot talk between the parties and on spur of the moment petitioner assaulted the informant. The petitioner has remained in custody since 25.03.2022 and has clean antecedent. The trial is also likely to be concluded in near future.



Accordingly, this Court directs to release of petitioner
on bail with same condition as was given in Cr. Misc. No.
32808 of 2022

(Purnendu Singh, J)

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