

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72876 of 2023**

Arising Out of PS. Case No.-525 Year-2022 Thana- JOKIHAT District- Araria

=====

AHAD @ ABDUL AHAD SON OF LATE BABARUDDIN RESIDENT OF
VILLAGE- BAGHMARA WARD NO. 2, P.S. JOKIHAT, DISTRICT-
ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Jokihat P.S. Case No. 525 of 2022 registered under Sections 323, 325, 307 and 302/34 of the Indian Penal Code lodged on 13.10.2022 by the informant, Shahzad Alam.

3. As per the prosecution story, the allegation is that all the accused persons assaulted the informant's family members and in the process, allegation against Md. Yunus @ Yunus is of assaulting the informant on head while the petitioner gave blow causing fracture in hand. The further allegation is that Tahjib @ Md. Tahjib @ Md. Tahzib Alam hit on the neck of the



father of the informant by '*iron rod*' who succumbed to the injuries. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the specific allegation is against Tahjib @ Md. Tahjib @ Md. Tahzib Alam and Md. Yunus @ Yunus and the assault of Tahjib @ Md. Tahjib @ Md. Tahzib Alam proved fatal for the informant's father. Further, though there is allegation of causing fracture in the hand to the petitioner, as per the injury report annexed as Annexure-2, the same has been found to be simple in nature. The last submission is that both Tahjib @ Md. Tahjib @ Md. Tahzib Alam and Md. Yunus @ Yunus have been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. NO. 16516 of 2023 and Cr. Misc. No. 24024 of 2023 respectively.

5. Let the order of Tahjib @ Md. Tahjib @ Md. Tahzib Alam and Md. Yunus @ Yunus be kept on record.

6. Learned APP opposes the prayer for bail stating that allegation against him also is of assault causing fracture.

7. Taking into account the points put forward by the learned counsel for the petitioner as also the fact that the injury has been found to be simple in nature and the main accuseds Tahjib @ Md. Tahjib @ Md. Tahzib Alam and Md. Yunus @



Yunus have since been granted the privilege of bail and he is in custody since 21.08.2023 (as stated in paragraph-16 of the petition), this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge, Araria in connection with Jokihat P.S. Case NO. 525 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

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

(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.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

