

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75831 of 2023

Arising Out of PS. Case No.-62 Year-2019 Thana- BHIMPUR District- Supaul

MD. LAL MOHAMMAD @ LAL MD. S/O LATE KARMUL R/O
VILLAGE- THUTHI, WARD NO-8, P.S- BHIMPUR, DISTT.- SUPAUL.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bhimpur P.S. Case No. 62 of 2019 registered for the offences
punishable under Sections 147, 148, 149, 447, 341, 323, 324,
325, 307, 379 and 504 of the Indian Penal Code.

As per prosecution case, petitioner and other came
to the gate of the informant and started abusing. When the
family members objected from doing so, petitioner is alleged to
have assaulted Md. Sahid(father in law of the informant)
indiscriminately, by means of iron rod as a result of which he
sustained head and hand injury.

Learned counsel for the petitioner submits that
there is a case and counter case between the parties on the same



date of occurrence and free fighting cannot be ignored. It is further submitted that petitioner and informant are agnates. There is specific allegation of assault against the petitioner by means of iron rod upon the head of informant's father in law but the same is not supported by the injury report as mentioned in Annexure 2 of the bail petition as the injury has been caused by sharp cutting weapon which is totally inconsistent with the allegation made in the FIR. The injuries which are grievous, is on the hands of the said victim. Petitioner is in custody since 27.06.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. It is further submitted that on more or less similar or identical allegation, co-accused Dost Mohammad has already been granted bail by a co-ordinate bench of this court vide Cr. Misc. No. 67097 of 2022. The petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Bhimpur P.S. Case No. 62 of 2019 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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