

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70336 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- PIPRA District- East Champaran

Musid Sai @ Murshid Sai S/o Ajim Sai R/v- Muslim Tola Chap, P.S.- Pipra,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Pipra
P.S. Case No. 154 of 2021, registered for the offences
punishable under Sections 341, 323, 324, 325, 307, 447,
379, 504 and 34 of the Indian Penal Code.

As per allegation, when the informant was
preparing to offer Namaz, the seven named accused persons
came to his *Darbaja*. They abused the informant side. The
specific allegation against Musid Sai is that he assaulted
Sabrun Nisha, daughter-in-law of the informant on her head
with iron rod. It is further alleged that Jamaluddin Sai



assaulted Tabrej on his head. Co-accused, Azim assaulted the informant on her head. Co-accused, Ali Sher assaulted Manauar with farsa. Co-accused, Meraz assaulted Sanauar with iron rod resulted into fracture injury on his head.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that there is a case and counter case in regard to the alleged occurrence and both sides are injured. She also submits that though anticipatory bail of the present petitioner was rejected, investigation in this case is now complete and charge-sheet has already been submitted. She also submits that all the co-accused have already been enlarged on bail.

He further submits that the petitioner has been languishing in jail since 23.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for grant of anticipatory bail vide Cr. Misc. No. 71445 of 2021.



However, Ld. APP for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. CJM, East Champaran at Motihari in connection with Pipra P.S. Case No. 154 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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