

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71395 of 2022

Arising Out of PS. Case No.-1 Year-2019 Thana- PIPRAKOTHI District- East Champaran

Sadir Hussain @ Saddir Hussain Son Of Kyamuddin Ansari R/O Vill.-
Sirsiya, P.S.- Piprakothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bal Govind Sharma,Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
05.08.2022 in connection with Piprakothi P.S. Case No.01 of
2019, F.I.R. dated 03.01.2019 registered for the offence
punishable under Sections 341,323,324,307,504/34 of IPC.

Allegation against the petitioner is that he assaulted to
the father of the informant by means of lathi as a result of which
he sustained injury.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that it appears from the FIR that there is
specific allegation of assault attributed against co-accused,
Kyamuddin Ansari. Allegation against the petitioner is that he



assaulted to the father of the informant by means of lathi but there is no specific allegation of assault against the petitioner that on which part of the body he has assaulted to the father of the informant. Further submits that the main accusation of assault is against co-accused Kyamuddin Ansari who has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.02.2020 passed in Cr. Misc. No.83725 of 2019 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, co-accused has been granted bail and the petitioner is in custody since more than eight months, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Piprakothi P.S. Case No.01 of 2019, with the following conditions:-

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



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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