

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5448 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- JALALPUR District- Saran

Samsu Ali @ Samsuddin Ali Son of Late Ajim Sai @ Ajim Sah R/o vill -
Harpur Kishunpur, P.S. - Jalalpur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-04-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Jalapur P.S. Case No. 10 of 2023 instituted under Sections 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code lodged on 21.01.2023 by the informant, Bhuar Sai.

3. As per the prosecution story, on minor issues, the accused persons attacked informant's side and allegation against the petitioner is specific that he caused head injury to Kalamuddin and as per the injury report which is Annexure-2, the same has been found to be grievous on the basis of city scan.

4. Earlier prayer for bail of the petitioner was rejected vide order dated 22.08.2023 passed in Cr. Misc. No. 30809 of 2023.

5. In this case, a report was called for which has since



been received and according to it, the charges have been framed, summoned issued but no witnesses have turned up till 02.04.2024.

6. Considering the fact that the petitioner is in custody since 21.03.2023 (as stated in paragraph-10 of the petition), do not have criminal antecedent and there is no likelihood of completion of trial in the near future, this Court is inclined to extend him the privilege of bail.

7. 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 7th Additional Sessions Judge, Saran at Chapra in connection with S.Tr. No. 516 of 2023 arising out of Jalalpur P.S. Case No. 10 of 2023 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 fortnight for next six months 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)

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