

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24689 of 2024**

Arising Out of PS. Case No.-352 Year-2023 Thana- CHAKAI District- Jamui

Md. Sahil SON OF LATE MD. JAMAL UDDIN @ LATE JAMAL UDDIN  
Resident of village -chilkhariya Saroun PS- chakai District -Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md Musowir, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      01-05-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Chakai P.S. Case No. 352/2023 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code lodged on 05.11.2023 by the informant, Md. Anwar.

3. As per the prosecution story, the informant alleged that despite the land dispute pending before the Civil Court, Jamui between the parties, the accused persons were trying to construct home on the disputed land. When this was objected allegation of assault, causing injury to the number of persons and so far as this petitioner is concerned, he gave '*farsa*' blow on the head of Wajid Hussain. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that though allegation of assault by '*farsa*' on the head is attributed to this petitioner, the injury report shows that the same has been found to be simple in nature and there is swelling in the parietal region. Further submission is that he do not have criminal antecedent.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the Wajid Hussain after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation is of assault on the head.

7. Though the allegation of assault is on the head, the same as per the report of the doctor shows to be simple in nature, do not have criminal antecedent and as per the learned counsel for the petitioner, he is a student, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,



000/- as stated above.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory 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 Judicial Magistrate, 1<sup>st</sup> Class, Jamui in connection with Chakai P.S. Case No. 352 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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)**

Jagdish/-

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