

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26647 of 2024

Arising Out of PS. Case No.-912 Year-2022 Thana- ARARIA District- Araria

Md. Salim @ Salim son of Tameer @ Tamiruddin Village- Manikpur W.No-11, Ps- Araria Bairgachhi Op Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-08-2024 Heard Mr. Ramesh Kumar Singh, learned counsel

for the petitioner as also the State.

2. The petitioner is in judicial custody in connection with Araria (Bairgachi) P.S. Case No. 912 of 2022 for the offence punishable under sections 341, 323, 324, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code lodged on 25.10.2022 by the informant, Md. Rashid.

3. As per the prosecution story, the allegation amongst other against this petitioner is of assaulting the informant's father by 'iron rod causing serious injury and he became unconscious. Against other accused persons also there is allegation of assault. Subsequently, the father of the informant was shifted to Sadar Hospital, Araria and then to Purnea Sadar Hospital and finally to Max Hospital whereafter he succumbed to the aforesaid injury.

4. Earlier the bail application of the petitioner was



rejected on 18.08.2023 with a direction to the trial court to conclude the trial within a period of nine months.

5. In that background, the bail petition was again filed, a report was called for on 21.06.2024 which has since been received and as per the report dated 28.06.2024 sent by the learned Session Judge IV, Araria, after framing of the charges, three out of ten witnesses have been examined and the summons issued for the rest.

6. Learned counsel for the petitioner submits that it is not the case that the informant's father immediately died due to the assault rather he may have died due to some other ailment. He further submits that if released on bail, he shall be diligently appearing in trial.

7. Learned APP opposes the prayer for bail.

8. Taking into account the aforesaid facts as also the fact that he is in custody since 23.05.2023 and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. District & Sessions Judge, Araria, in connection with Araria (Bairgachi)



P.S. Case No. 912 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

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